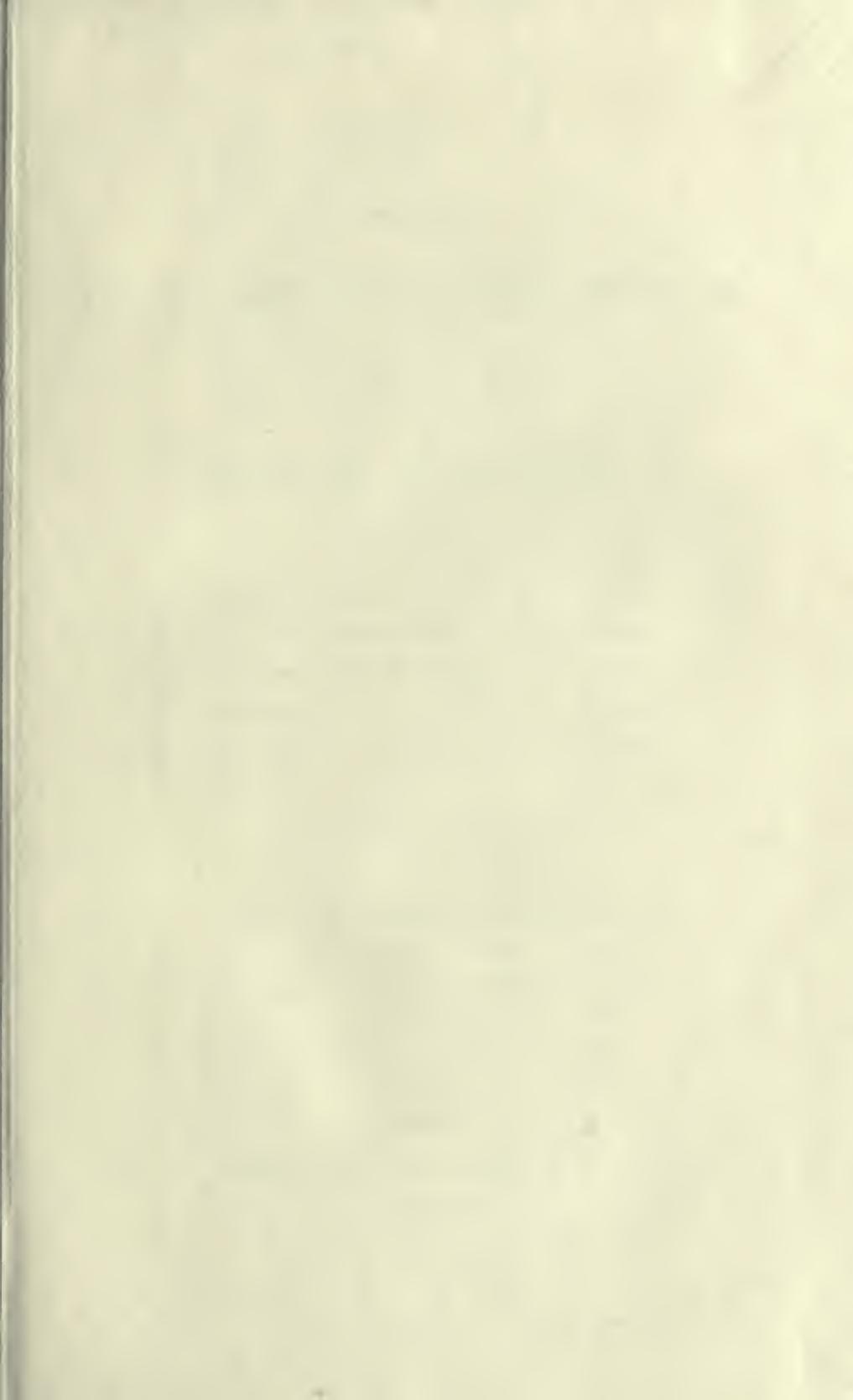


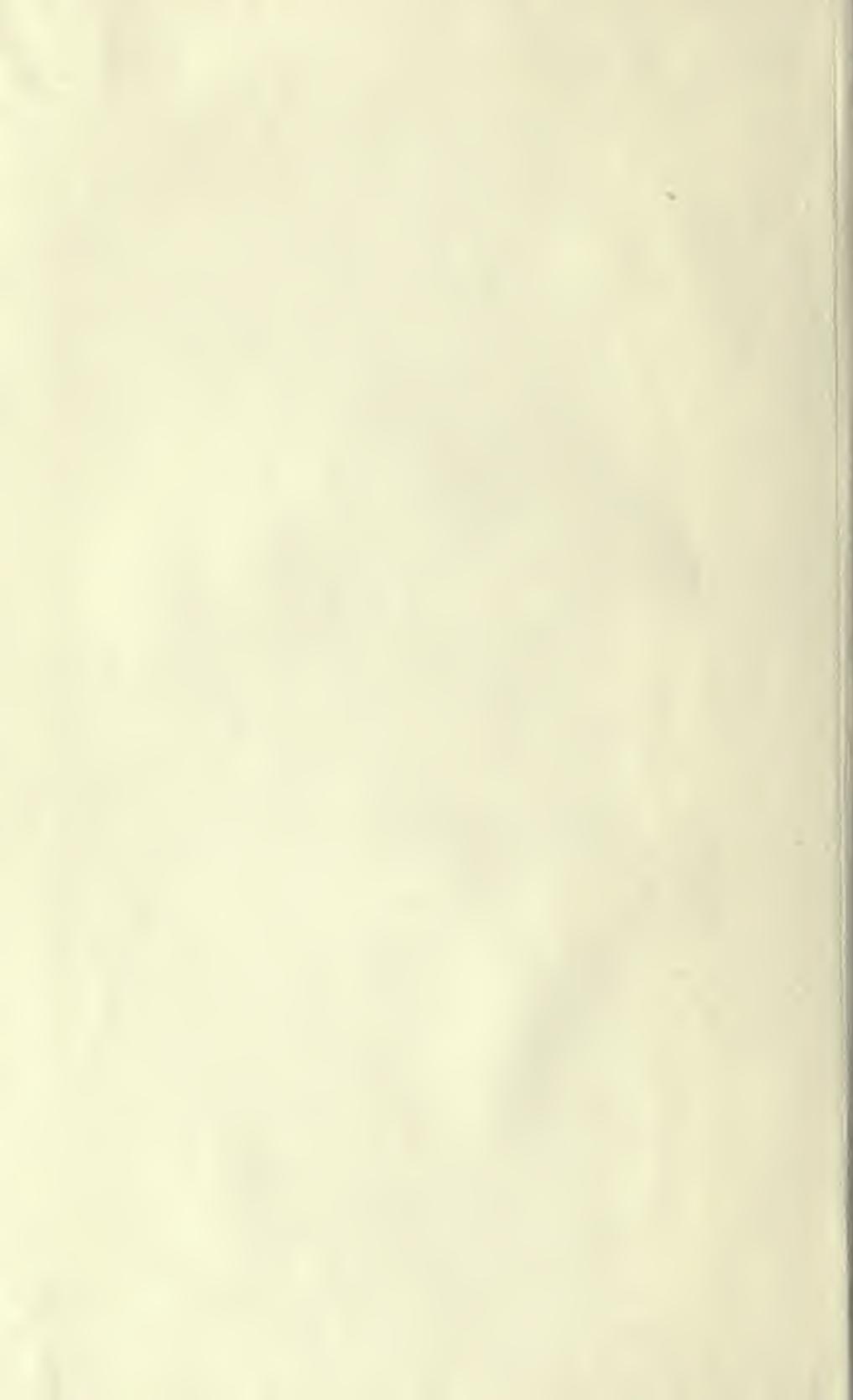
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ON THE  
HISTORY AND DEVELOPMENT OF GILDS,  
AND THE  
ORIGIN OF TRADE-UNIONS.

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BY  
LUJO BRENTANO,  
OF ASCHAFFENBURG, BAVARIA,  
*Doctor Juris utriusque et Philosophiae.*

LONDON:  
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## Notice by the Publishers.

THIS Essay is the first and only one in English reviewing the whole subject of GILDS, those institutions so important in the Middle Ages, so well illustrating the self-organizing and self-governing power of England, where Gilds first arose, and whence they were imitated on the Continent.

This Essay also contains the *first* and *only* historical investigation yet made into *The Origin of Trades-Unions*,—institutions whose vast importance the legislature is slowly recognizing, which have exercised so powerful a control on Labour in the past century, and must exercise a yet more powerful influence on the future development of Industry. It is time that the rise of these Institutions should be treated historically, and not be made the occasion of groundless speculation. On one writer's dealing with this subject, Dr. Brentano remarks, at p. 101, note 1:—"Mr. Thornton's chapter *On the Origin of Trades-Unions* (in *The Fortnightly Review*, New Series, vol. ii. p. 688, and in his work *On Labour and its Claims*) bears the same relation to the real origin of Trade-Unions, as Rousseau's *Contrat Social* to the historical origin of States."

The present Essay was written to serve as a General Introduction to "English Gilds: the Original Ordinances of more than One Hundred Early English Gilds, &c., A.D. 1389," edited, for the Early English Text Society, by the late Mr. TOULMIN SMITH.

From the Report of that Society for January, 1870, the following passage on those "*Gilds*" and Dr. Brentano's Essay is extracted:—"As the *subject* of the book, rather than its language, is the important part of it, it became necessary to procure for the work a survey of the whole history of associated labour, in order to know what part of the field these 'English Gilds' occupied, and what relation they bore to the old Gilds, the Religious Gilds, the Gilds-Merchant, the Craft-Gilds, and the modern Trades-Unions. Most happily, the scholar pointed out by our best-informed English students of the subject, as the fittest man to undertake the task, Dr. Lujo Brentano (Doctor Juris Utriusque et Philosophiae), at once acceded to our request to prepare such a survey, and he has in a masterly Essay, in five parts, 'On the History and Development of Gilds,' written with true German thoroughness, reviewed the whole subject—as well for England as the Continent,—and this for the first time in our language, as no such other English work exists. We are therefore now able to see our Gilds in their true light, not as isolated insular institutions, but as part of the great social system of the Middle Ages; and the debt of us all to Dr. Brentano is great, for the generous way in which he, a stranger to all of us, has placed his wide learning, and the results of his personal searches here and abroad, at the service of the Society. He has shown that in him the old brotherly Gild-feeling to fellow-workers still exists. Of the book as a whole, the Committee must record their conviction that no more valuable contribution has yet been made to the history of Association in England."





TO

JOHN MALCOLM LUDLOW, Esq.,

OF LINCOLN'S INN, BARRISTER-AT-LAW,

ONE OF THE

TRUEST FRIENDS TO WORKING-MEN IN ENGLAND,

THIS ESSAY

IS DEDICATED BY ITS WRITER.

1870-1871

1871-1872

1872-1873

and the following day the same

process was repeated for a third

and fourth

and the following day the same

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## P R E F A C E.

In order to study the English labour-question, I joined, in the summer of 1868, my master, Dr. Engel, Director of the Royal Statistical Bureau at Berlin, on his journey to the English manufacturing districts. But after a few weeks' inquiry, I was convinced that a thorough knowledge of the position of the English working-classes would require a sojourn of months in their country. I therefore resolved to remain longer in England. Working-men's Associations of every kind, and the History of Labour in England, became the chief objects of my study. At last, in May 1869, I left England, with my portfolio full of the materials I had collected. But I had scarcely returned home, when I was asked by Mr. Furnivall to write a General Introduction to Mr. Toulmin Smith's work on English Gilds, which he had left unfinished at his death. As I unfortunately had not had the honour of knowing Mr. Smith personally, and therefore knew nothing of his ideas as to Gilds, I at first hesitated to accede to Mr. Furnivall's request. My scruples increased when I considered that I was to undertake a work which ought to have been done by a man of great learning and repute. And, indeed, now that my work is finished, I am so fully alive to its many deficiencies, that I greatly fear my undertaking this work will be thought by many, too daring. But I hope the fairness of the reader will not let him measure my essay by his conception of what such an outline as the present ought to be. I can only say that for many years past I have been deeply interested in this subject, that what I offer here to the reader is the result of much hard work and of many laborious personal researches in Libraries and Record-Offices, and that I have put forth my results in the best way I could, seeing the short time allowed me to write this essay in.

The reason why I finally resolved to comply with Mr. Furnivall's request, notwithstanding my hesitation, was, that I owe great thanks to my English friends who had drawn his attention to me. I had learnt so much from them during my stay in England, that when an occasion presented itself to repay them in some way by a work which might be of use to them, I felt obliged to disregard any personal considerations. On acceding to Mr. Furnivall's desire, I observed however, that I must write my essay quite independently, without consideration as to what Mr. Toulmin Smith would have said in his Introduction. He would probably have dwelt more fully on English Gilds only, and would have brought forward more direct information as to them than I should be able to do. I, on the contrary, was requested by Mr. Furnivall to treat on Continental Gilds as well as English. And I complied with his request with the more pleasure, as I believed that illustrations from the Continent might often help students to understand the development of English Gilds, where clear and direct accounts of them are wanting. Often, indeed, the Gilds on the Continent differed in development and circumstances from those in England, as I have repeatedly pointed out in this essay. But I strongly believe that the continual intercourse between the towns of the several trading countries of the Middle Ages, kept up especially by the Hanse Towns, may not have been without influence in producing a general similarity of development of burgensic life in them all.

What I offer to the reader in the following pages is by no means a history of Gilds, complete and exhaustive. My desire has been simply to give a clear idea as to what the various kinds of Gilds were, and to sketch in free outlines how each kind of Gilds originated, grew powerful, and degenerated; on which the Gilds of another class of citizens took their place. I have always taken special care to point out the analogies between the old Gilds and those existing in our days among working-men, the Trade-Unions; and I shall indeed consider it the greatest reward for all my labour spent on this work, if it contributes to set the Trade-Unions in a truer light.

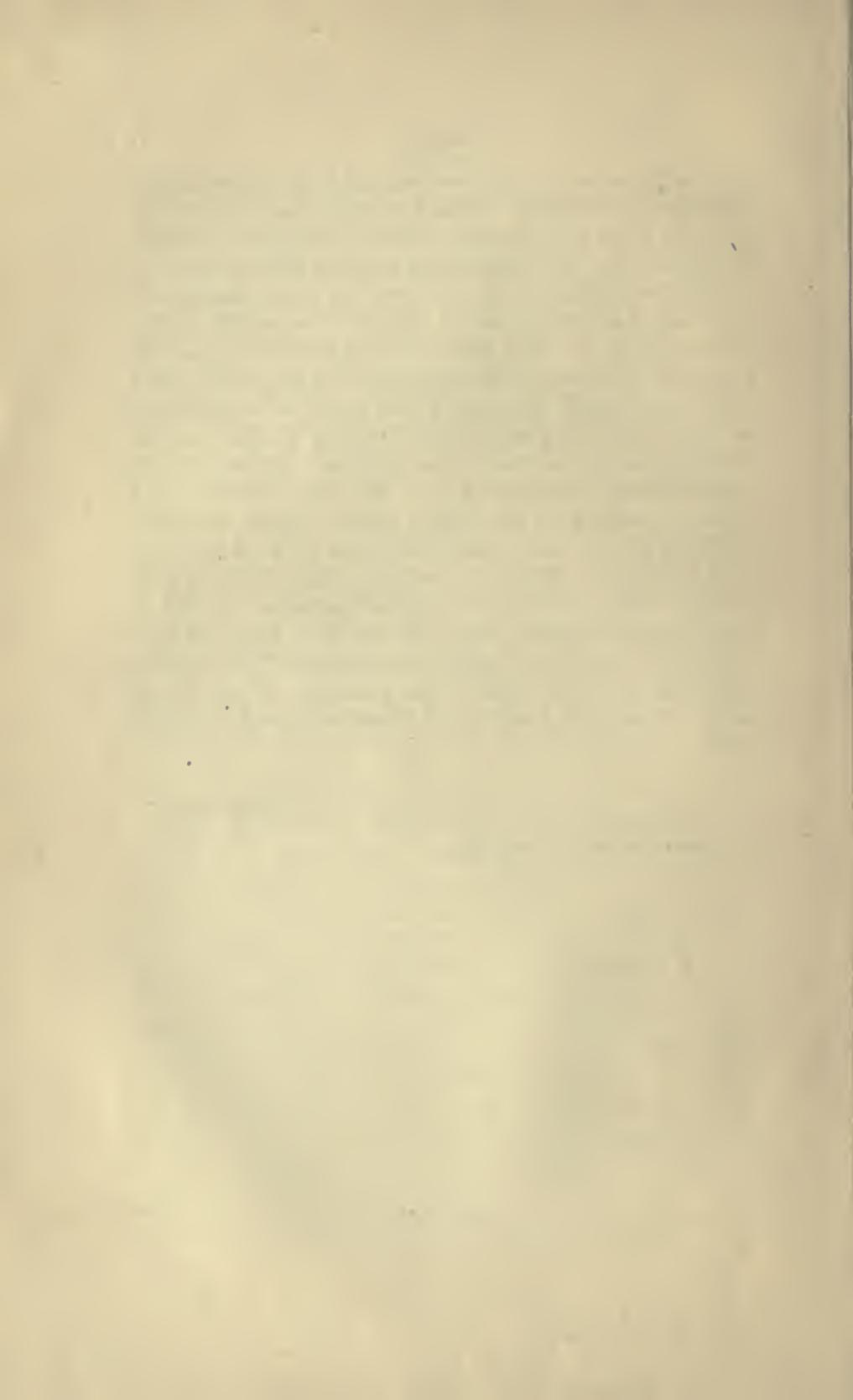
Throughout the whole essay I have most conscientiously re-

ferred to the sources of my statements, and to the various authors to whom I am indebted. I am very sorry that, when writing the essay, I was not acquainted with the works of Mr. Toulmin Smith quoted by Miss Smith in her excellent Introduction.

Before concluding, I wish to express my sincere thanks to all those who have helped me in my work, especially to Mr. Furnivall. He has with great zeal and kindness revised the translation of my essay and the proofs; and has besides added, from early English literature, a few notes in illustration of my text. He also procured from Professor Stubbs the communication as to bondmen in towns, in the Additional Note 3; and has drawn my attention to a few points which wanted further explanation for the English reader. I have made some additional notes on these points, which follow the Preface, namely, as to the origin of Gilds, as to my appellation *Religious Gilds*, and as to the companies of bond-handicraftsmen. I wish to thank, besides, especially Mr. J. W. van Rees Hoets, M.A., of Trinity Hall, Cambridge, and the other friends of Mr. Furnivall and myself who have helped in the translation of parts of this essay. It was hard work that they performed, and they did it well.

L. BRENTANO.

ASCHAFFENBURG, Jan. 21st, 1870.



## NOTES.

1. *Note to p. lxxiv, as to the Origin of Gilda.*

MR. FURNIVALL asks me to make much more emphatic my statement as to England's being the birthplace of Gilda. He thinks besides, that my derivation of the Gilda from the family, contradicts the supposition of the origin of Gilda in England. He writes accordingly to me:—“I certainly suppose your Part I. to mean that the Gilda were developed well in early times—indeed, on the Continent—and brought over here with the Anglo-Saxon settlers. You do not say so in exact words; but your terms as to family-life, and neighbours meeting at sacrificial feasts, imply an earlier stage of civilization, more of a growth in Saxon wilds, than the (more or less) organized bodies of immigrants here were in, or had.”

Now, I wish to declare here most emphatically that I consider England the birthplace of Gilda. But, at the same time, I wish to deny quite as emphatically, that what I have said on p. lxix as to the family, implies a stage of civilization before the immigration of the Anglo-Saxons<sup>1</sup>. I refer here once more, as I did in the note on p. lxix, for my statements as to the importance of the family among the German tribes, to the work of the greatest living master in German history, to the *Deutsche Verfassungsgeschichte* by Waitz. The reader will find there, that even after the German tribes had settled in fixed abodes, the family was of importance even within the community, which was founded then on the mere local relation of neighbourhood; and that this importance still continued when the division into hundreds not only existed, but was even prevalent. (When the community based on local relations, and no more on kinship, came into existence, all the *political* interests fell at once into its sphere.) But all that regards the *relations of private law*—the legal protection of life, limbs, and property—was still for a long time provided for by the family. (The Frith-Gilda, however, were only to take the place of the family as to these relations of private law, and not as to its long extinct political importance.) The Frith-Gilda, therefore, did not come into existence contemporaneously with the origin of the community based on local relations, and with the formation of the State, but only later, when the family began to lose its importance in matters of private law also. But the family had undoubtedly still this latter importance when the Anglo-Saxons came to England; this

<sup>1</sup> “But þe Saxons accorded for no þynge  
þat þe Anglis schuld be þer kyng;  
þey hadde wel leuere, þe Saxons seyd,  
þat þe lond were in partis leyd,  
þan þe Anglis of þe out ildes  
Schulde be chef of alle þer gyldes.”

1338 A.D. Robert Manning of Brunne's *Story of Englaude*, ii. 511, l. 14741-6. ed. F. J. F. 1870. (He is speaking of the settling of the Angles in East-Anglia.)

is proved by the very laws of Ina and Alfred which I speak of on p. lxxiv. According to them, the paternal and maternal relatives of an offender are responsible in the first degree for his crime.

2. *Note to pp. lxxxvi, lxxxvii, on the name "Religious Gilds."*

As I see from a note added by Mr. Furnivall on p. lxxxvii, I was wrong in my supposition (see p. lxxxvi) as to the reason which induced Mr. Toulmin Smith to change the hitherto usual name "Religious" into "Social" Gilds. But Mr. Furnivall is equally mistaken as to my reasons for maintaining the old appellation. As he thought, however, that these reasons were to be sought for in connexion with the fact of my being a Roman-Catholic, and as he has even asked me to state this fact to my readers, in order to caution them against my prejudices, I wish only, while doing this, to add a few words more on the real reasons for my calling these Gilds "Religious."

Now, to call the said Gilds "Religious" because of their ornament of a saint's name would seem to me quite as "monstrous" as to Mr. T. Smith or to Mr. Furnivall. If this had been my reason, I should certainly call by the same name all or most of the other Gilds in the Middle Ages, besides those in question, as well as the Trade-Union of the Knights of St. Crispin in Massachusetts, referred to the other day by the *Spectator*. This would simply be to ridicule the word "religion." I took this word in a much larger sense—in the sense it had when the old Gilds existed. I fully agree with Mr. T. Smith, that the objects of the said Gilds were social ones. But the exercise of these very social duties, to which the Gild brethren were bound by the Gild statutes—mutual assistance, the aid of the poor, of the helpless, the sick, of strangers, pilgrims, and prisoners, the burial of the dead, and even the keeping of schools and schoolmasters—was considered, in the time when these Gilds existed, as an "exercise of religion," *obsequium religionis*, as Hinemar calls it (see pp. lxxxii, lxxxiii). These deeds were considered but the practice of the religious maxim, "Love thy neighbour as thyself;" and most of them were taught to the people of the Middle Ages in a classification invented by the scholastics<sup>1</sup>, as the *opera corporalia misericordiae*. Now, it can be easily understood that the people who considered the objects of these Gilds as "religious," gave the same name to the Gilds themselves which pursued these objects. In maintaining this name, I simply followed the example set by the Protestants as well as Roman-Catholics of all countries who have hitherto written on the subject. My reason was partially that I thought a historical treatise ought to give its subject its historical name; but especially, as I pointed out on p. lxxxvi, that I feared that to call these Gilds "Social" Gilds, might mislead men to the opinion that the other kinds of Gilds were based on other than the same social principles on which these Gilds rest. How the bad morals of the Roman clergy in the fourteenth century in England can prevent any one from calling the Gilds

<sup>1</sup> They founded it on Matt. xxv. See *S. Thomas Summa Theol.* ii. 2. qu. 32. art. 2.

existing among the laity from the days of Hincmar to the Reformation "Religious," I am at a loss to understand. If the clergy were so little religious, I would rather refuse the name of "Religious" to the Social Gilds existing among them, to the Gilds of the Kalenders. Yet Mr. Furnivall thinks that these last-named Gilds must be called so. But I am told also by another friend, that the sense of the word "Religious" is to-day different in English from the sense in which I used it, and that it would mislead the reader as to the character of the said Gilds. I therefore fully agree to the addition made by Mr. Furnivall to the title of my Part II., for certainly the *main objects* of these Gilds we should to-day call "Social."

3. *Note to p. cxiv, on Bondmen in Towns and their Companies.*

Mr. Furnivall thought that the existence of bondmen in towns and of the companies into which they had been ranged by their masters, was a fact yet so little known to the English public, that a more detailed note on them would not be out of place. I therefore give a short statement as to the inhabitants of Worms, according to Arnold<sup>1</sup>.

At Worms there existed at the beginning of the eleventh century the Community of the Manor of the Bishop (*die hofrechtliche Gemeinde des Bischofs*) on the one hand, and on the other the Community of the Old Freemen. To the former (the so-called *familia S. Petri*) belonged the *ministeriales*, *fiscalini*, and *dagewardi* (villeins). The villeins were obliged to render common services to the bishop, either as *coloni* (villeins on the country manor), or as *operarii* (handicraftsmen). Their bondage was exceedingly mild. The amount of their *wergild* is not stated; but there is no doubt that it was paid entirely to the Church. The marriage between the *dagewardi* and the *fiscalini* was a morganatic one; the children of it became *dagewardi*. The larger part of the later handicraftsmen sprang from this class of villeins. They were ranged, according to the kind of their services, into unions (*societates*), which had an episcopal *ministerialis* as president (*minister*). These unions, later on, developed themselves into Craft-Gilds. The villeins who did not work as handicraftsmen, served as *coloni* on the estates, where they were under the superintendence and jurisdiction of a *minister loci*, like the handicraftsmen under that of their president. Next to the villeins came the *fiscalini*, so called because originally servants to the *fiscus*, and belonging to the royal palace. They rendered no common services, but services at court and in war. They too were ranged into *societates*. But their unions soon became extinct. First in the *familia* were the *ministeriales*. In opposition to these were the old freemen, who always preserved their privileges of rank before the bond-handicraftsmen, and who, later on, developed into patricians.

<sup>1</sup> Arnold's *Verfassungsgeschichte der deutschen Freistädte*, vol. i. pp. 66-69. Compare also the more popular treatise of Barthold, *Geschichte der deutschen Städte und des deutschen Bürgertums*, vol. i. pp. 77, 78, 148, 149, 280, and others.

As there may be but few Englishmen who know that in England also villeins existed in towns, I insert here a note of one of the best Middle-Age men in England, the Rev. Professor William Stubbs, of Oxford, who kindly sent to Mr. Furnivall this note in answer to his question on the point :—“ In all towns *not chartered* there would be a class of *villani* exactly the same as in the country manors. The force of the bondage would of course vary, generally, very much from anything of the kind on the Continent. But as originally all *towns* were in demesne of some lord, bishop, or king, all the inhabitants would be less than free : and even where some had obtained the dignity of *burgage*=socage tenure, still, until the town was freed by a charter, there would be a large residuum of *villani*, whatever the hardship of English villenage may have been.”

4. *Note to p. lxxxiv, note 1.*

Mr. Ludlow answers this note as follows :—“ I beg leave to say, that I am perfectly in earnest in saying that tramp-money in all probability is the modern representative of the relief to pilgrim-artificers ; not that all pilgrim-artificers were workmen on the tramp, because I believe, with you, that these were a rare phenomenon in the fourteenth century—though I believe some were—but because I believe that this kind of pilgrimage tended necessarily to supersede the other, and therefore would naturally inherit its advantages. Your reference to the 12th R. II. c. 3 is correct ; but if you want a counter authority, see the 25th Edward III. St. i. c. 7, which shows that ‘artificers’ also were expected to ‘flee’ from one county to the other in consequence of the law itself. Now a pilgrimage to a shrine would evidently be the safest colour for such a migration ; under all circumstances it would afford the best safeguard against local exactions and maltreatment. See also as to the abuse of pilgrimage the 12th R. II. c. 7.”

This explanation is very ingenious. Yet it does not convince me. The artificers whom the 25th Edw. III. expects to flee from one *county* to another, seem to me not to have been town-artificers. They were, in my opinion, artificers working on the country manors of lords. Each country manor had in the Middle Ages its own artificers, who supplied the common wants of their lords, whilst the latter resorted only for their more refined wants to the craftsmen of the towns. This explanation of the Act in question seems to me the more probable when we consider that all Statutes of Labourers in the Middle Ages were framed especially with regard to the powers and wants of the landed proprietors, the feudal lords. In towns, labour was generally regulated by town-ordinances. Besides, we must remember that the exercise of a craft in towns depended on having served an apprenticeship in such towns, and on citizenship (see p. cxix). A fleeing craftsman would not therefore have been admitted into towns to carry on his craft. Such fleeing to towns therefore would have been useless.

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<sup>1</sup> Mr. Hensleigh Wedgwood's derivation of the word is as follows:—"GUILD. Danish *gilde*, feast, banquet, guild or corporation; Platt-Deutsch *gilde*, a company, corporation, society of burghers meeting on stated occasions for the purpose of feasting and merrymaking. The primary meaning is a feast, then the company assembled; and the same transference of signification will be observed in the word *company* itself, which, signifying in the first instance 'a number of persons eating together,' has come to be applied to an association for any purpose, and, in the case of the City Companies, to the very associations which were formerly denominated *Guilds*.

"It is a mistake to connect the word with the German *geld*, payment. The real derivation is to be found in Welsh *gwyf*, Breton *gœf*, *gouf*, a feast or holiday, *gouelio*, to keep holiday; Gaelic (with the usual change from the Welsh *g* to *f* initial), *feill*, a feast, holiday, fair or market; Manx *feallay*, festival, sacred, hallowed. The Irish *feil*, or *feighil*, is explained the vigil of a feast, sometimes the feast itself, leading to the supposition that the word is a mere corruption of the Latin *vigilia*. But the Welsh and Breton forms could hardly have been derived from that origin, and we find a satisfactory explanation in a native root, Welsh *gwylio*, to watch, be vigilant, to look for; *gwyled*, to behold, to see; *gwylad*, keeping a festival, the notion of keeping or observing being commonly expressed by the figure of looking. Breton *gwel*, look, sight, action of seeing. In a similar manner, from *wake*, to be vigilant, to watch, we have the *wakes*, the festival of the patron saint; Welsh *gwyf-mabsant*, German *kirchweile* (*weihen*, to consecrate), where the ideas of waking or keeping, and consecration or holiness, are connected together in the same way as in Manx *feallay*.

"The Dutch form *gulde*, a feast (*populare convivium*), also a guild or corporation, closely resembles the Gothic *dultas*, Bavarian *duld*, a feast: *Osterduld*, Easter. In modern times *duld* is applied to a fair or market, commonly kept on the saint's day of the place. *Dulden*, like Breton *gouelio*, to solemnize. *Tulden*, celebrare; *tullich*, solennis.—Kero in Schmeller." *English Etymology*, i. 191-2.—(P. J. F.)

When the family becomes insufficient to afford legal protection, artificial alliances (the **FRITH-GILDS**) arise to take its place, p. lxxiv. First in England<sup>1</sup>, ib. They are legally recognized in the laws of Ina and Alfred, and already far developed in the time of Athelstan, pp. lxxiv, lxxv. They are prohibited on the Continent, p. lxxvi. The reasons of these prohibitions, pp. lxxvii-lxxix. All kinds of Gilds arise in times of transition, p. lxxvii. Gilds among serfs on the Continent, pp. lxxvi, lxxviii, lxxix. The first combinations of labourers against their masters, p. lxxix.

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<sup>1</sup> See Note, p. lvii.

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## I. THE ORIGIN OF GILDS.

THE oldest reliable and detailed accounts which we have of Gilds come from England ; they consist of three Gild-statutes<sup>1</sup>. According to the latest investigation<sup>2</sup> into the origin of Gilds, the drawing-up of all these statutes took place in the beginning of the eleventh century. In the case of one of these Gilds, there is no doubt whatever as to the accuracy of this date. This Gild was founded and richly endowed by Orcy, a friend of Canute the Great, at Abbotsbury, in honour of God and St. Peter. Its object, according to the statutes, appears to have been the support and nursing of infirm Gild-brothers, the burial of the dead, and the performance of religious services, and the saying of prayers, for their souls. The association met every year, on the feast of St. Peter, for united worship in honour of their patron saint. Besides this, there was a common meal ; and in order that the poor might also have their share in the joys of the festival, they received alms on the day of the feast ; for which purpose the Gild-brothers were obliged to furnish, on the eve of the day, contributions of bread "well boulted and thoroughly baked." Guests were only admitted to the common meal by permission of the Master and Steward. Insults offered in a malignant spirit by one brother to another, were punished on the part of the Gild, and had also to be atoned for to the insulted. He who had undertaken an office, but had not properly discharged its duties, was severely punished.

The Exeter Gild, whose statutes have likewise been preserved, was of altogether the same character<sup>3</sup>. Here, however, association

<sup>1</sup> See these in Kemble's *The Saxons in England*, vol. I., Appendix D ; and compare with them the translation in Eden's *State of the Poor*, vol. i. p. 591, &c.

<sup>2</sup> Hartwig, *Untersuchungen über die ersten Anfänge des Gildewesens*, in the *Forschungen zur deutschen Geschichte*, edited by Waitz, Göttingen, 1860, vol. I. p. 136.

<sup>3</sup> See also the Introduction to Mr. Smith's *Gilds* by Miss L. T. Smith, p. xviii.

for the purpose of worship and prayer stands out more prominently as the object of the brotherhood than in the former case. Three times a year the Gild-brothers assembled to worship together for the well-being of their living and dead fellow-members. Here, also, every such service was followed by a meal in common. When any brother died, every member was obliged to perform special devotions for the departed soul. The mutual care of the Gild-brothers was, moreover, shown by money-contributions in case of death, and in the support of those who went on a journey, as well as of those who had suffered loss by fire. Punishments were decreed for insults offered by the Gild-brothers to each other, as well as for not fulfilling the duties imposed on them by the Gild.

The statutes of the Gild at Cambridge show that its main object was altogether different from that of the two already mentioned. At the very outset, in the oath which every member had to take on the relics of the patron Saint of the Gild, they swore faithful brotherhood towards each other, not only in religious, but also in secular matters; and though the statutes secured for the Gild-brothers the same support in case of sickness and death as those of Exeter and Abbotsbury—and, like those, contained regulations with reference to alms, divine worship and feasts—yet all these objects were but insignificant in comparison with the measures for the protection of the members of the Gild against criminals, and even against the evil consequences of their own wrongdoing. The following may be considered a first principle: “If one misdo, let all bear it; let all share the same lot;” and for carrying this out, a complete organization existed. If one of the Gild-brothers required the help of his fellow-members, the inferior officer of the Gild living nearest to him had to hasten to his aid; should the officer neglect this, he became liable to punishment, and in like manner the head of the society, should he be remiss in affording help. If a Gild-brother was robbed, the whole Gild had to assist him in obtaining compensation from the lawbreaker. So also every Gild-brother was obliged to help, if a member himself had to make atonement for killing a man. If, however, he had no justifiable motive for committing the act, if he had not been provoked to it in a quarrel, if he was not under an obligation to execute vengeance, but had slain the man merely from malice, he himself had to bear the consequences of the deed. If one Gild-brother killed another, he had first to reconcile himself with the kinsmen of the murdered man, and had moreover to pay eight pounds to all those belonging to his larger family, namely, the Gild; failing which, he was shut out of the society, and the

members of the Gild were forbidden to hold friendly intercourse of any kind with him. In like manner, an insult offered by one Gild-brother to another was severely punished. The solidarity of the society was even shown in the case of violence and damage to property, which one member might have suffered from the servant of another; the master of the servant was answerable for him, and was sued by the society for compensation. It was, moreover, a leading principle of the society, to which every member had to bind himself by oath, always to support him who had right on his side.

The essence of the manifold regulations of the statutes of these three Gilds appears to be the brotherly banding together into close unions between man and man, sometimes even established on and fortified by oath, for the purpose of mutual help and support. This essential characteristic is found in all the Gilds of every age, from those first known to us in detail, to their descendants of the present day, the Trade-Unions. According to the variety of wants and interests at various times, the aims, arrangements, and rules of these unions also varied. As a rule, the Gild-brothers periodically assembled together for common feasts.

The inquiry as to where these features of the Gilds are first met with in earlier times will, perhaps, also yield an answer to the inquiry into the origin of Gilds themselves. The Northern historians, in answer to the question, whence the Gilds sprang, refer above all to the feasts of the German tribes from Scandinavia, which were first called Gilds. Among the German tribes, every occurrence among the more nearly related members of the family required the active participation in it of them all. At births, marriages, and deaths, all the members of the family assembled. Banquets were prepared in celebration of the event, and these had sometimes even a legal signification, as in the case of funeral banquets, namely, that of entering on an inheritance; and, when they concerned kings, that of a coronation. Wilda narrates in detail the circumstances of a banquet of this kind, at which the son and heir, in the midst of his own and his father's companions, toasted his father's memory, and vowed to imitate his worthy deeds; the companions took similar vows upon themselves. Further, great social banquets took place on occasion of the sacrificial assemblies at the great anniversary festivals, which coincided with the national assemblies and legal assizes, and on occasion of important political events; and at the same time the common concerns of the community were deliberated on at these banquets. Moreover, they also furnished an opportunity for the conclusion of those alliances for purposes of plunder or war, of which we have accounts, especially in the case of Sweden

and Norway, as well as of those close unions of friends, in which, according to the Scandinavian Sagas, two warriors of antiquity were wont to confederate for life or death, for common enterprises and dangers, and for indiscriminate revenge when one of them should perish by a violent death<sup>1</sup>. Every freeman was obliged to attend these feasts, and bring with him whatever food and drink he might require. Hence these feasts were also called Gilds; for “Gild” meant originally the sacrificial meal made up of the common contributions; then a sacrificial banquet in general; and lastly, a society. When in later times Christianity spread itself in the North, the sacrificial banquets, with all their customs and ceremonies, remained in existence, and Christ, the Virgin Mary, and other saints, stept into the place of Odin and the rest of the gods<sup>2</sup>.

Neither Wilda, the principal writer on Gilds, nor Hartwig, who has made the latest researches into their origin, is able to discover anything of the essential nature of Gilds, either in what has just been related about the old family and its banquets, or in the sacrificial assemblies; and it is only as to the one point of the custom of holding banquets on the occasion of anniversary festivals, that Wilda is inclined to derive the Gilds from them. But of the essence of the Gild, “the brotherly banding together in close union, which expressed itself in manifold ways in the mutual rendering of help and support,” he finds no trace. “The banquets,” he urges as his principal objection, “were either casual meetings to which every one, as he thought proper, invited his friends, or which several people prepared in common, and which did not produce any more intimate relationship than that already existing from the actual bond of the family, or state, or neighbourhood; or they were meetings in which every one of the nation was able, or was obliged, to take part. There appears in them nothing of any closer voluntary confederacy of the members within, or by the side of, the union caused by the State or religion<sup>3</sup>.” Hartwig considers these objections of Wilda’s conclusive, and believes that from the continued existence of pagan ceremonies even amongst the religious Gilds, and from the custom of holding feasts, nothing whatever can be deduced which is essential to the Gilds<sup>4</sup>.

Now these feasts cannot certainly be compared with the

<sup>1</sup> Münter’s *Kirchengeschichte*, vol. i. p. 181, &c., quoted in Wilda’s *Gildewesen im Mittelalter*, p. 29.

<sup>2</sup> Compare Wilda, *Das Gildewesen im Mittelalter*, Halle, 1831, p. 5, &c.; Waitz, *Deutsche Verfassungs-Geschichte*, vol. i. pp. 49-75, 2nd ed., Kiel, 1865; Hartwig, pp. 148, 149.

<sup>3</sup> Wilda, p. 28.

<sup>4</sup> Hartwig, p. 153.

already perfectly-developed Gilds of Abbotbury, Exeter, and Cambridge; but if we connect with them what historians relate about the family in those days, we may still recognize in them the germ from which in later times, at a certain stage of civilization, the Gild necessarily had to develope itself. The family was, according to these historians<sup>1</sup>, a community of all-comprehending importance, and its care provided completely for nearly all the wants of the individual. This it was able to do in consequence of the then simplicity of life. The minor found in it his protection; the insulted, the natural friends who sympathized most keenly with him in every injury inflicted, and who helped him to procure satisfaction. He who would engage in those pursuits which alone in that age were worthy of a free man, and which at the same time promised riches and fame—in chase, feuds, and war—found in the family his natural allies. Naturally, he who fell into poverty, or sickness, or any other kind of distress, obtained from the family the necessary help; and it provided of course for the burial of the dead whose heir it was. These are indeed the first, and are even now-a-days the practical results of the family union. For the murdered, there arose from the midst of his family an avenger; to the robbed it gave the necessary help to prosecute and punish the thief, and to obtain restitution of the plunder. Further consequences of the nature of the family compact were, that the members were obliged to maintain peace amongst themselves; that they were not entitled to appear against each other in a court of justice; and, on the other hand, that they were called upon to punish members, especially women, who had violated the right of the family<sup>2</sup>. Before the community too it became answerable for its members. The payment of the forfeited *wergild* was, in all cases of offence—which according to ancient usage and custom claimed revenge—the concern of the whole family. The family appeared as such an intimate union of its members, that this responsibility of the whole body for the individual member commended itself to the sense of justice of the people as a matter of course. But as it answered for the compensation, and took part in the payment thereof, and assisted the guilty in order that he might not forfeit life and limbs to his antagonist, so it supplied the accused also with compurgators from among its members to ward off an unjust condemnation. In former times this family bond comprehended all relatives without limitation of degree;

<sup>1</sup> To avoid further quotations I refer to Waitz, vol. i. pp. 49-75. With reference to the Anglo-Saxons in particular, see also Lappenberg's *Geschichte von England*, vol. i. 1834, p. 587.

<sup>2</sup> By unchastity, as wives or girls.

but in later days it became restricted to the nearer kinsfolk. Of course these members of the family met at oft-recurring banquets, at which, as was customary among the Germans, their interests were talked over and deliberated on, just as has been shown in the above-mentioned accounts of the Scandinavian writers (p. lxviii), who agree in this with Tacitus (*Germ.* cap. 22).

If we compare this description of the family, and the accounts of the above-mentioned banquets, with the statutes of the Gilds at Abbotsbury, Exeter, and Cambridge, the family appears as the original and pattern type, after which all the later Gilds were formed; and this will be proved still more clearly in the course of this treatise<sup>1</sup>. The family meets us here as the closest possible union, consisting of real brothers, and so thoroughly animated with the spirit of brotherhood and of mutual assistance and support, that it brings all conceivable relations within its reach, and provides completely for nearly all those wants, the satisfying of which fell, in later times, partly to the State, and partly to the artificial societies which were formed for this very purpose. The essential nature of the Gild, as characterized by Wilda himself, is to be found in the family, and developed there even to the highest degree. We do not yet see, it is true, special associations by the side of this most intimate natural union, but neither is there room for the former, by reason of the activity of the latter. It is indeed astonishing that Wilda, who himself afterwards designates the Gilds as "imitators of the family"<sup>2</sup>, should here altogether forget whence they were derived.

With the exception of political interests, for which the State provided, there remains only one relation for which we find no particular provision in the family, namely, Religion. Care for the interests of religion was the business of the whole nation. At the time from which our accounts come down to us, the German tribes had already taken possession of fixed habitations; the relations of neighbourhood and of living-together asserted themselves in public life, and it was natural that the interests which first after polities united neighbours for common action, were the religious ones. Families, though acting generally as independent individual bodies, and competing most keenly with each other in the pursuit of their material interests, yet united as soon as that interest was concerned, which—even in the times of the most barbarian arbitrariness and the most unbridled club-law, the times of the most unchecked pursuit of individual

<sup>1</sup> Compare especially Part III. of this Essay, pp. cii, ciii.

<sup>2</sup> Wilda, pp. 56-58, 130, 132, 134, 147, 153, 169, &c.

interest—was always considered as the great, the common, the social interest, the reconciliation of man with God. As if single individuals felt themselves too weak to solve this great problem, they have always, at all times, and in all religions, united for the worship of God,—frequently the whole nation, and later, in special sacrificial societies, as we see in the religious associations of the Romans<sup>1</sup>, and still more perfectly in the religious Gilds and fraternities of the Middle Ages.

The circumstance, that we meet here, all neighbours united in one common society, and not yet that separation into closer and more restricted associations which is found in the later Gilds, can give rise to no difficulty. This is a phenomenon which appears always, as soon as a great interest unites men into a community, and which repeats itself in the rise of every separate kind of Gild down to that of our modern Trade-Unions. At first, as long as all belonging to one portion of mankind have an equally lively sense of want, as long as zeal is universal, and energy is equally effective in all, and as long as this zeal is still growing, one bond comprehends them all; but gradually, with the increase of number, and with the relaxation of the general interest, or with the appearance of various shades in that interest, they unite into closer societies, or close their circles; by the side of which then arise others of a similar nature<sup>2</sup>. When, for instance—to make use of an example which Hartwig himself brings forward in a later passage of his inquiry—the Christian communions were formed, all the members contributed, according to their ability, to one common fund for the purpose of good works. With the extension of Christianity this general display of love abated; the contributions ceased, or were changed into regular and involuntary taxes; and the zealous separated into particular brotherhoods, &c. Further, the Gilds, from which in later times the town constitutions sprang, comprehended originally, as Wilda himself tells us, all full citizens, whose relations to each other were none but those given by local limits and the bonds of neighbourhood. To the first Gilds of the Kalenders, all the priests of a deanery belonged, and the first Trade-Unions took their origin in a manner thoroughly similar.

The essence of the Gild existed also in those associations for acquiring riches and fame, the sworn confederacies for plunder and heroic deeds referred to above, and mentioned

<sup>1</sup> Cf. Heineccius, *De collegiis et corporibus opificum*, in Heineccii opera omnia, tom. ii. p. 390, Genova, 1766; also Cicero *De Senectute*, cap. 13. Gaius, in L. 4 D. de coll. et corp. 47, 22, quotes a passage from Solon's legislation taken over into the twelve tables concerning *sacerorum sacramentales*.

<sup>2</sup> Compare Part III. pp. xvi, xcvi.

by the Northern historians; and therefore, although from the natural scantiness of the sources, historical references to the direct derivation of the Gilds from them may be wanting, it does not appear that the attempt to bring them into connection with the Gilds ought to be rejected without further counter-proofs<sup>1</sup>.

As to the positive opinion of the opponents of our view of the origin of Gilds:—Wilda allows that the later Gilds are derived from the old pagan ones, as regards the custom of assembling together at a common meal on various solemn occasions (a custom, however, which is certainly met with, not only among the Germans, but also in the Greek *ēpavoi* and the Roman *Collegia*<sup>2</sup>). The peculiar characteristic of the Gilds, says Wilda, first entered into them through the Christian principle of love for one's neighbour; and the Gilds themselves had their origin in the monasteries aggregated together on that principle to share in the benefits of their prayers and good works. These aggregations were joined afterwards by laymen<sup>3</sup>. Against this view, Hartwig shows the untenability of the derivation of the Gilds from those monastic aggregations<sup>4</sup>, and then points to the Gild-like unions of the cultivated and classical nations of antiquity, especially to the Roman burial-societies, which Christianity, as it spread, found already existing on an extensive scale. He then mentions the common contributions of the first Christians for good works, as well as the later discontinuance of these voluntary acts of charity of the laity, when the Church acquired great independent wealth. But, in spite of the immense property of the Frankish Church, Hartwig yet infers, from the existence of a great proletariat in the Frankish realm at the end of the Roman dominion, that associations of clergy and laity for mutual support must have been formed in that empire. Though more exact information concerning these is wanting, yet the existence of associations amongst the clergy of the sixth century for anything but pious purposes,—as for instance for opposing superiors,—appears to Hartwig sufficient reason for inferring the existence of similar ones for charitable purposes. The laity would join themselves at a later period to those societies, whose offshoots he sees in the Gilds of the Kalenders<sup>5</sup>.

<sup>1</sup> Against this view, on wholly insufficient grounds, see Wilda, p. 29; and without stating any grounds, Hartwig, p. 154.

<sup>2</sup> Hartwig, p. 156. Varro speaks of the licentious banquets of the Roman collegia: "Immutabiles collegiorum conas intendere annonam." Cf. Heineccius, pp. 386, 399. As to the *ēpavoi*, see Becker's *Charikles*, vol. ii. p. 239, 2nd edition, 1854.

<sup>3</sup> Wilda, p. 31 ff.

<sup>4</sup> Hartwig, pp. 156–160. See, on the Gilds of the Kalenders, p. lxxxviii below.

<sup>5</sup> Hartwig, p. 152.

It seems, however, difficult to agree with this learned and ingeniously asserted opinion. The development shows too many gaps, and the connection of the isolated facts with each other is too weak for us to erect with its scaffold the great and magnificent edifice of the Gilds.

The assumption that the Gild first obtained its essential character, and its true purport, from the Christian communions only, seems to me also very difficult to reconcile with the facts so prominently brought forward by Wilda and Hartwig, that the customs and ceremonies of the Gilds of that age were to such an extent those of the old pagan sacrificial banquets, that, for centuries, prohibitions and menaces of punishment were expressly needed in order to destroy this pagan character. If I may be allowed to form a conjecture in this case, I would rather say that the religious brotherhoods of the Middle Ages, and as they still exist in Catholic countries, have their origin in a connection with monasticism, and in an imitation of it on the part of men who, though wishing to accumulate the greatest possible amount of merits for the next world, yet would not renounce the present; and that this origin is to be sought in Southern lands, in which Christianity and monasticism were first propagated<sup>1</sup>. When, therefore, these Southerns brought Christianity into the North, they found existing there these pagan sacrificial unions, with their attendant banquets; and an amalgamation of the Christian religious unions was effected with the sacrificial societies of the pagans, and their customs and rites, like the blending of the Christian festivals and ceremonies with those of the old pagans, which Wilda narrates in so excellent a way. But though this continued existence of the old customs was at first allowed in the interest of the more rapid propagation of Christian doctrine, yet in later times, when the dominion of the doctrine appeared to have been secured, a war was commenced against them by the spiritual authorities as well as the secular ones, who were animated with similar ideas. Undoubtedly, however, the spirit of association received then a mighty impulse, and the Gilds spread themselves rapidly under the influence of Christian doctrine; but, at any rate, as it

<sup>1</sup> It follows from ll. 42 and 43 *Cod. Theod. de Parabolais*, lib. 16, tit. 2 (with which must be compared the commentary of Gothofredus on these passages, as well as Baronius, *Annales Ecclesiastici*, tom. v. p. 691, Rome, 1595, and Stolberg's *Geschichte der Religion Jesu Christi*, vol. xv. p. 44, Hamburg, 1818), that already in the third century there existed at Alexandria a Christian brotherhood for nursing the sick. But about the year 416 it had so altered its character, and had so degenerated, as a religious institution, that Theodosius published a decree to prevent it from becoming too powerful, and from meddling with secular affairs.

seems to me, the essence of the Gild, the confederation in societies for mutual help, where the power of the individual appeared too weak to obtain the object desired, is already to be recognized in those old heathen sacrificial assemblies<sup>1</sup>.

Though in more ancient times the family connection was strong, and of importance in various ways, as in the maintenance of justice, in the formation of the nation, and in its first settlement, nevertheless, after this settlement had taken place, the relations which it called forth obtained the preponderance. The natural bond of the family became more and more relaxed with the increase of the number of relatives, and with the rise of special interests among the individual members; and would also lose its importance as regards the maintenance of justice. Moreover, the constantly increasing number of kinless people, and of strangers, would further the formation of new institutions; for the State alone was not at that time able to satisfy its members' claims for legal protection.

This change had, above all, to take place in the Anglo-Saxon States<sup>2</sup> through the intermixture of the people with Britons and Danes. Here, artificial alliances would take the place of the natural ones, and of the frankpledge<sup>3</sup> founded thereon. Already, in passages of Ina's statutes which refer expressly to the legal protection of the stranger, mention is made of "*gegildan*" and "*gesið*"; and strangers are the very people who, we are told, lived, later on, in societies or Gilds, to which probably a great antiquity must be ascribed<sup>4</sup>. A law of King Alfred declared, that when any one who had no paternal relatives, killed another, one-third of the fine should be paid by the maternal relatives, another third by the "*gegildan*," while for the remaining third the man himself was responsible. But if he was also without maternal relatives, the "*gegildan*" had to pay the half, and for the other half "*let him flee*." In a corresponding case, when such a man had been killed, the "*gegildan*" received half of his fine, the king the other half<sup>5</sup>. If now we consider that, amongst the members of the later Gilds, exactly similar obligations are met with<sup>6</sup>, the opinion will appear justified<sup>7</sup>, that here also, under the term "*gegildan*," Gild-members are understood.

<sup>1</sup> Both Waitz (vol. i. p. 85) and Lappenberg (vol. i. p. 609) appear to believe in this derivation of the Gilds.

<sup>2</sup> See Additional Notes, No. 1.

<sup>3</sup> The mutual security which persons of the same tithing gave for each other's good conduct.

<sup>4</sup> Waitz, vol. i. p. 437.

<sup>5</sup> Ibid. p. 433.

<sup>6</sup> Compare the Statutes of the Cambridge Gild on p. lxvi of this Essay.

<sup>7</sup> Hartwig, it is true, asserts (p. 136) that it is now universally acknowledged

An already far-advanced development of the Gilds is shown by the *Judicia Civitatis Londonis*, the Statutes of the London Gilds, which were reduced to writing in the time of King Athelstan. From them, the Gilds in and about London appear to have united into *one* Gild, and to have framed common regulations for the better maintenance of peace, for the suppression of violence,—especially of theft, and the aggressions of the powerful families,—as well as for carrying out rigidly the ordinances enacted by the king for that purpose. Particularly comprehensive were the arrangements for prosecution against theft; one might call these Gilds “assurance companies against theft.” Not only were the members obliged to pursue and track out the thief, even in other districts, but the injured person also received compensation for his loss from the common fund. The agreements which had been come to, and the obligation resulting therefrom, bound not only the members of the Gilds, but also all non-members living in the district in which the Gilds existed; and the non-members were for this purpose united into tithings under the lead of the Gild-brothers. Every month the members of the Gild assembled at a banquet, at which the common interests, the observance of the ordinances enacted, and similar matters, were inquired into and discussed. The remains of the viands were distributed amongst the poor. On the death of a member, every associate of the Gild had to offer a loaf of fine bread for the benefit of the soul of the departed, and had to sing fifty psalms, or to get them sung, within the space of a month. All who took part in this league were to be as the members of *one* Gild, in *one* friendship, and in *one* enmity; and every insult was to be avenged as a common one<sup>1</sup>. The English Knighten Gild was perhaps one of these united Gilds<sup>2</sup>. At Canterbury, a Gild following the same ends stood at that time at the head of the city, whilst two others existed by the side of it. There are also accounts of a Gild-hall at Dover, from which a Frith Gild may be inferred; and charters of a somewhat later time frequently mention many other Gilds besides these, as having been long in existence<sup>3</sup>.

The organization of the Gilds was thus in the eighth, ninth, and tenth centuries, not only completed, and probably already

(especially since Kemble), that the just-mentioned “*gegildas*” are not to be taken for Gild-members. Nevertheless Waits, in the latest edition of his *Constitutional History* (1865), vol. i. p. 438, clings to the contrary opinion, and very justly, as appears to me. See in Waits the various opinions and writings on this point.

<sup>1</sup> Cf. Wilda, p. 245, &c.; Lappenberg, p. 386; Waits, vol. i. p. 434; Hartwig, p. 140.

<sup>2</sup> See below, Part III. of this Essay, p. xcix.

<sup>3</sup> Lappenberg, vol. i. p. 610.

widely extended amongst the Anglo-Saxons, but even recognized, and their ordinaries imitated, or at least sanctioned, in legislation; and the Gilds enjoyed already such authority in England, that their agreements bound even non-members; and town constitutions were already developing themselves from them. At the same time we see them forbidden and persecuted everywhere on the Continent by ecclesiastical as well as by secular authorities. A series of Capitularies of the Emperor Charlemagne and his successors<sup>1</sup> interfered with all kinds of combinations and unions, and especially with those which were confirmed by mutual oaths. Not only those which proposed directly unlawful objects were threatened with scourging, nose-slitting, banishment, and such-like punishments of their members, but even those whose object was protection against robbery and other deeds of violence<sup>2</sup>. Unions were only to be tolerated for mutual assistance in fires, shipwrecks, and similar cases, and even then without the members confirming their obligations by an oath<sup>3</sup>. Under Louis le Debonaire, Gilds even amongst serfs are met with in Flanders, Menpiscus, and the other maritime districts, and their lords were called upon to suppress them, under the threat of being punished themselves<sup>4</sup>. The clergy too had their Gild meetings, as appears from the Capitularies of Archbishop Hincmar of Rheims. The wanton practices and heathen customs which prevailed at their banquets, as well as the exaction of the contributions and fines which, as in the London and Cambridge Statutes, were imposed for violation of the ordinances, gave Hincmar occasion for vehement complaints against these Gilds<sup>5</sup>. We see from these accusations that the despotic mediaeval magnates of the Continent used the same weapons for attacking associations for the maintenance of freedom, as their modern antagonists in free England, the enemies of Trade-Unions.

<sup>1</sup> The passages referring to this matter are to be found in Pertz, *Monumenta Germania Historica*, Legum, tomus i. p. 37, cap. 16; p. 59, cap. 29; p. 68, cap. 10; p. 74, cap. 31; p. 133, cap. 10; p. 230, cap. 7; p. 232, cap. 4; p. 352, cap. 10; p. 553, cap. 14.

<sup>2</sup> *Capit. Thod.* 805, cap. 10; *Const. Olom.* 823, cap. 4; *Capit. Wormat.* 829, cap. 10, in Pertz, l. c., pp. 133, 232, 352.

<sup>3</sup> *Capit. 779*, cap. 16, in Pertz, l. c., p. 37.

<sup>4</sup> "De coniurationibus servorum que fiunt in Flandris et Menpisco et in cæteris maritimis locis, volumus ut per missos nostros indicetur dominis servorum illorum, ut constringant eos, ne ultra tales coniurationes facere præsumant. Et ut sciant ipsi eorundem servorum domini, quod cujuscunque servi hujuscemodi coniurationem facere præsumpserint postquam eis hæc nostra jussio indicata, bannum nostrum, id est sexaginta solidos, ipse dominus persolvere debeat." — *Capit. Thod.* 821, cap. 7, in Pertz, l. c., p. 230. Compare with this, *Capit. Vern.* 884, cap. 14, in Pertz, l. c., p. 553.

<sup>5</sup> Cf. Wilda, pp. 22, 35, 41; Hartwig, pp. 138-141, 150.

There is no doubt that these "Gildonias" of the Frankish Empire are the same as the Gilds of the Anglo-Saxons, such as those of London and Cambridge<sup>1</sup>. The more developed constitution of these appears merely as a consequence of the later times from which the documents on them have been preserved for us, as well as of the freedom from those restrictions which necessarily hindered their prosperity on the Continent. As the unions themselves owed their origin to social and political changes, in like manner the reasons of these prohibitions lay probably in political and social considerations. All the various kinds of Gilds—as will further appear in the course of this inquiry—always arose in times of transition; and especially when we consider the origin of Trade-Unions we shall show how, in every single trade, the Gilds came into existence at the time when each trade was changing from small to great industry. When those Gilds arose, both England and the Frankish Empire were likewise in such a stage of transition. The frankpledges of those belonging to one family became less efficient. Lappenberg relates, that in England<sup>2</sup> the landed proprietor, the feudal lord, took all his serfs under the same protection as in earlier times was afforded by their kinsmen. This relation could not however satisfy the want of the great numbers of those who had maintained their freedom, and did not belong to any connection of this kind. Amongst these freemen, therefore, we forthwith meet the same contrast which now-a-days separates Economists and Socialists. The freemen of rank and large possessions, who felt themselves powerful enough for their own protection, found, as the strong are ever wont to do, their interest more in a system of mutual feuds, that is, of free competition amongst themselves, than in associations and mutual pledges. But the less powerful, the small freemen, sought, as the weak always do, protection for themselves in confederating into close unions, and formed the Gilds for that purpose.

The mighty efforts of the Emperor Charlemagne to form one central State, transformed all existing relations. His legislation caused especially a considerable diminution of the old freemen. With the pressure which the violent dukes and counts exercised on the people, the number of the latter shrank more and more, exactly as the number of small master-craftsmen and tradesmen dwindled away in consequence of the centralization of trade into the great workshops in the eighteenth and nineteenth

<sup>1</sup> Cf. Hartwig, pp. 138-142, who also, together with Marquardsen, maintains against Kemble the real identity of the London brotherhoods with the remaining Anglo-Saxon Gilds.

<sup>2</sup> Lappenberg, vol. i. p. 587, &c.

centuries in England. Just as here the artisans could only avoid being pressed down to a slavelike condition by leaguing together into unions, so in like manner the old freemen of Charles's time were only able to maintain their liberties wherever the fact of their dwelling together in larger numbers rendered a confederacy into Gilds possible, or wherever they were secured against the persecution of their oppressors by the peculiar natural conditions of their abode. Although, later on, Charles himself endeavoured in vain to counteract the diminution of the old freemen—so far as it was possible without injuring his system—yet the action of an organization like the Gilds would have made breaches in it; moreover, these stirs of self-help might have become dangerous to the system of personal government of the arbitrarily ruling Cæsar.

But the universal insecurity after the death of Charles, and especially the devastating incursions of the Normans, were the causes that brought about the association of the people into Gilds, even more than the fear of losing their inherited freedom. But here too it was the same dread that caused self-help to be forbidden; and this was certainly also the cause of the prohibition of the associations amongst serfs against thieves and robbers. The crime of the serfs in their unions consisted in their endeavouring to provide redress for their grievances without making use of the intervention of their masters<sup>1</sup>, whose powers over them such interventions always increased. Even when the poor people who were without protection against the inroads of the Normans, leagued themselves into sworn brotherhoods, and in this manner offered firm resistance to the robbers, they were cut down by the Frankish nobles, as a reward for their bravery<sup>2</sup>.

The assumption, that these serfs had also confederated together against their lords for the improvement of their very miserable condition, does not appear to be necessarily excluded by the threat in the Capitulary of Louis, that the lords themselves should be punished if they did not suppress the unions<sup>3</sup>. At least, the Mayor and Aldermen of London, in the year 1415, made, in like manner, the Wardens of the Tailors' Gild responsible for the existence of associations of journeymen tailors,

<sup>1</sup> The *Capit. Vern.* 884, cap. 14 (Pertz, l. c. p. 553) says: "Volumus, ut presbyteri et ministri comitis villanis præcipiant, ne collectam faciant quam vulgo Geldam vocant contra illos qui aliquid rapuerint. Sed causam suam ad illum presbyterum referant qui episcopi missus est, et ad illos qui in illis locis ministri comitis super hoc existunt, ut omnia prudenter et rationabiliter corrigantur."

<sup>2</sup> Hartwig, p. 145. Compare him for the rest of these historical statements in general, p. 161, &c.

<sup>3</sup> Waitz (vol. iv. p. 364) and Hartwig (p. 145) draw this inference.

which however were directed against the masters themselves<sup>1</sup>. As these journeymen stood under the rule of the Wardens of the Tailors' Gild, so stood the serfs to their lords in a relation of protection like the earlier one of the family-members to their family; the lords were responsible for the offences of their slaves in general, and especially for those committed by "collecta," as that same Capitulary of Louis le Debonaire attests<sup>2</sup>. The interest in the maintenance of the existing order of things made it as much a special duty of the lords in the Carlovingian times, as of the masters in the fifteenth century, to take care that such order should not be disturbed by any kind of revolutionary movements of the governed class. The suppression of those stirrings of self-dependence appeared a matter of public importance. Heineccius<sup>3</sup> already, *apropos* of the interdiction of the Roman *collegia* by Tarquinius Superbus, refers to the opinion of Aristotle (*Polit. lib. v. cap. ii.*) : "The means already indicated to maintain the mastery as long as possible, consist in this especially, to suffer neither common banquets nor political unions, nor education in common, nor anything else of the same kind; but to guard against everything which can excite in the people these two qualities—self-consciousness and mutual confidence." If these associations of serfs were also directed against their lords, we have indeed in that Capitulary the first record of a combination of labourers against their masters.

The forbiddance of Gilds in the Frankish Empire could also be justified from religious motives, in consequence of the gluttony and pagan customs always associated with them. But from England we hear nothing whatever of any evil influence of the Gilds. It appears that Englishmen at all times knew better than Continentals how to maintain their right of free and independent action; and their Government seems to have known even at that time how to make use, in an excellent manner and in the interest of public order, of organizations freely created by the people. In Germany a better estimation of the Gilds seems to have commenced under Henry I., who in order to raise the towns, ordered the Gilds to hold their councils, their meetings, and their banquets in them. The same thing was decreed for Norway nearly a century and a half later by Olaf Kirre, the

<sup>1</sup> Cf. Riley, *Memorials of London and London Life in the Thirteenth, Fourteenth, and Fifteenth Centuries*, p. 609. London, 1868.

<sup>2</sup> Capit. Theod. 821, cap. 1 (Pertz, l. c., p. 230): "Si servi per multitudinem collecta multitudine alicui vini intollerant, id est aut homicidium aut homicidium aut qualiumeunque rerum direptiones fecerint, domini quorum negligenter hoc evenit, pro eo, quod eos constringere noluntur, ut talia facies non audeant, bannum nostrum, id est sexaginta solidos, solvere cogantur."

<sup>3</sup> Heineccius, l. c., p. 379.

founder of Bergen, and the enlarger of several towns. He also caused houses to be built for this purpose, as for instance at Trondjem.

There remains, in conclusion, to state briefly the chief result of this inquiry. The family appears as the first Gild, or at least as an archetype of the Gilds. Originally, its providing care satisfies all existing wants; and for other societies there is therefore no room. As soon however as wants arise which the family can no longer satisfy—whether on account of their peculiar nature or in consequence of their increase, or because its own activity grows feeble—closer artificial alliances immediately spring forth to provide for them, in so far as the State does not do it. Infinitely varied as are the wants which call them forth, so are naturally the objects of these alliances. Yet the basis on which they all rest is the same: all are unions between man and man, not mere associations of capital like our modern societies and companies. The cement which holds their members together is the feeling of solidarity, the esteem for each other as men, the honour and virtue of the associates and the faith in them—not an arithmetical rule of probabilities, indifferent to all good and bad personal qualities. The support which the community affords a member is adjusted according to his wants—not according to his money-stake, or to a jealous debtor and creditor account; and in like manner the contributions of the members vary according to the wants of the society, and it therefore never incurs the danger of bankruptcy, for it possesses an inexhaustible reserve fund in the infinitely elastic productive powers of its members. In short, whatever and however diverse may be their aims, the Gilds take over from the family the spirit which held it together and guided it: they are its faithful image, though only for special and definite objects.

The first societies formed on these principles were the sacrificial unions, from which, later on, the Religious Gilds were developed for association in prayer and good works. Then, as soon as the family could no longer satisfy the need for legal protection, unions of artificial-family members were formed for this purpose, as the State was not able to afford the needful help in this respect. These Gilds however had their origin in direct imitation of the family. Most certainly, none were developed from an earlier religious union: as little as were the Roman *collegia opificum* from the Roman sacrificial societies, or the Craft-Gilds from the Gild-Merchants, or any Trade-Unions from a Craft-Gild.

## II. THE RELIGIOUS (OR SOCIAL) GILDS.

AFTER the German tribes had settled in fixed abodes, the families dwelling in a certain district united themselves into common sacrificial assemblies. As a rule, common meals were connected with them, to which every one taking part had to bring what he wanted of food and drink. From this these unions were called *Gilda*. (When Christianity, together with its religious fraternities, came to the North, the latter amalgamated with the heathen sacrificial societies which they found there, and from this union arose the Religious Gilds of the Middle Ages.)

This is the opinion on the origin of the Religious Gilds already expounded in the foregoing part of this Essay. In the above cited statutes of the Gilds at Abbotbury and Exeter, of the eleventh century (p. lxv), we see the organization of these Gilds already completely developed. But much earlier, though less detailed, information is afforded by the Capitularies of Archbishop Hinemar of Rheims, of the year 858.

We find, already distinct, in these Capitularies, the two kinds which must be distinguished among the Religious Gilds. The one exists among laymen; and it alone is called "*Geldonia*." It alone, too, bears already the complete character of the Religious Gilds as it existed during the whole of the Middle Ages. The other kind of Gild exists among the clergy.

In the Capitulary<sup>1</sup> relating to the Gilds among laymen, Hinemar gives instructions to his clergy as to their allowed sphere

<sup>1</sup> *Labbei Concilia*, ed. Coleti, t. x. cap. 16. p. 4: "De confratribiis, eorumque conventibus, quomodo celebrari debeant—Ut de collectis, quae gildonias vel confratrias vulgo vocant, sicut jam verbis monimus, et nunc scriptis expresse precipimus, tantum fiat, quantum ad auctoritatem, et utilitatem, atque rationem pertinet: ultra autem nemis, neque sacerdos, neque fideliis quicquam, in parochia nostra progredi audeat. Id est in omni obsequio religiosis conjungantur; videlicet in oblatione, in luminaribus, in oblationibus mutuis, in exequiis defunctorum, in elemosynis, et ceteris pietatis officiis; ita ut qui candela obferre volunt, sive specialiter, sive generaliter, aut ante missam, aut inter missam, antequam evangelium legatur, ad altare deferant. Oblationem autem, unam tantummodo oblatam, et offertorium, pro se suisque omnibus conjunctis et familiaribus offerat. Si

of action, and as to the solemnities to be held at their meetings. He first tells them quite in general, that only that should be done which was required by dignity, utility, and reason; but he immediately defines this somewhat more precisely: ("They shall unite for every exercise of religion: that is to say,"—and now follows, as a more detailed statement of the duties involved therein, the enumeration of all the objects which are again met with in the later Gild-statutes,—"they shall unite for offerings (especially of candles), for mutual assistance, for funeral services for the dead, for alms, and other deeds of piety.") On the other hand, Hincmar forbids, what other Capitularies term "*diabolicum*" (which must be translated here by "*heathenisms*"<sup>1</sup>), namely, feastings and drinking-bouts, because they led to drunkenness, gave occasion for unjust exactions, for sordid merriments, and inane railleries, and ended often even with (quarrels, hatred, and manslaughter. If it was the priest of the Gild or any other clergyman who acted against this prohibition, he was to be degraded, but if it was a layman or a woman, he or she was to be excluded until satisfaction was given. If it became necessary to call a meeting of the brothers, as, for instance, for the arrangement of differences which might have arisen among them, they were to assemble after divine service; and after the necessary admonitions, every one who liked was to obtain from the priest a piece of consecrated bread and a goblet of wine; and then he was to go home with the blessing of God.)

(These fraternities were spread in the Middle Ages, in great numbers, over all countries under the sway of the Roman-Catholic religion,) and they exist even now in such countries. As the Gild Statutes contained in this collection—and they are but waifs and strays of large flocks—show, these brotherhoods existed in considerable numbers in every town; thus there were twelve in Norwich, as many in Lynn, in Bishop's Lynn nine,

plus de vino voluerit in butticula vel canna, aut plures oblatas, aut ante missam, aut post missam, presbytero vel ministro illius tribuat, unde populus in eleemosyna et benedictione illius eulogias accipiat, vel presbyter supplementum aliquod habeat. Pastos autem et concessiones, quas divina auctoritas vetat, ubi et gravides, et indebitæ exactiones, et turpes ac inanæ letitiae et rixæ, saepe etiam, sicut experti sumus usque ad homicidia, et odia, et dissensiones accidere solent, adeo penitus interdicimus, ut qui de cetero hoc agere presumpserit, si presbyter fuerit, vel quilibet clericus, gradu privetur, si laicus, vel femina, usque ad satisfactionem separetur. Conventus autem talium confratrum, si necesse fuerit ut simul convenient, ut si forte aliquis contra parem suum discordiam habuerit, quem reconciliari necesse sit, et sine conventu presbyteri et ceterorum esse non possit, post peracta illa quea Dei sunt, et Christianæ religioni convenient, et post debitas admonitiones, qui voluerint eulogias a presbytero accipiant: et panem tantum frangentes, singuli singulos biberes accipiant, et nihil amplius contingere presumant, et sic unusquisque ad sua cum benedictione domini redeat."

<sup>1</sup> See Hartwig, pp. 142, 153.

while abroad, Gallienus counts even eighty in Cologne, Melle about seventy at Lübeck, and Staphorst more than a hundred at Hamburg<sup>1</sup>. But their objects and organizations were so identical everywhere, and remained so essentially unchanged during successive centuries, that a comparison of them in various countries and at various times could only lead to repetitions. I will therefore simply state their objects and their organization. What is described here, prevailed in all countries alike<sup>2</sup>.

With regard to the objects of these Gilds, (Hincmar) defines them completely, when he says, "in omni obsequio religionis conjungantur," (they shall unite in every exercise of religion.) By this were meant, before all things, the associations for the veneration of certain religious mysteries, and in honour of saints<sup>3</sup>) Accordingly, these Gilds were everywhere<sup>4</sup> under the patronage of the Holy Trinity, or of certain Saints, or of the Holy Cross, or of the Holy Sacrament, or of some other religious mystery. In honour of these patrons they stuck candles on their altars and before their images; in some statutes this appears even as the only object of the Gild<sup>5</sup>.) Wilda<sup>6</sup> narrates also how the setting up of such a candle became the origin of an entire Gild. Once, towards the end of the fourteenth century, says he, several merchants and shopmen of Flensburg were sitting drinking together, and having paid their score, six shillings (standard of Lübeck) remained over. What should be done with these, was now the question. (At length they resolved to order a candle to be made, which was to burn before the image of the Virgin Mary on the altar of our Lady.) This fraternity, so insignificantly begun, increased rapidly

<sup>1</sup> See Wilda, p. 346.

<sup>2</sup> Compare, for what is said in the following, the Gild Statutes contained in Mr. Smith's collection, the Introduction by Miss Smith, pp. xxviii-xxlii, Wilda, pp. 344-375, and Ouin-Lacroix, *Histoire des anciennes Corporations d'Arts et Métiers et des Confréries religieuses de la capitale de la Normandie*, Rouen, 1850, pp. 411-542.

<sup>3</sup> The modern representative of this is the march of the members of the English village Benefit-Societies to morning service at their church before the midday dinner, the cricket match and games of the afternoon, and the evening dance.—F. J. F.

<sup>4</sup> The reason why there is no patron saint mentioned in the case of the Gild of the Smiths of Chesterfield (see Mr. Smith's collection, p. 168), seems to me to be that this Gild does not, in the account given of it, appear any more as an independent Gild, but simply as a subdivision of the Gild of the Holy Cross of the Merchants of Chesterfield. Before it joined the latter, it had been likewise under the patronage of the Holy Cross, as is proved by the members "worshipping before the greater cross in the nave of the church of All Saints," and by the "lights to be burnt before the cross on the days named." But after it had become a mere subdivision of a Gild under the same patronage, a special mention of the patron was no more required, and, for the sake of discriminating it from the rest, it was simply called the Gild of the Smiths.

<sup>5</sup> See, for instance, p. 14 of Mr. Smith's collection.

<sup>6</sup> Wilda, p. 347.

in members and in income ; the Gild-brothers therefore resolved to adopt a regular constitution, to elect aldermen, to begin a Gild-book, &c. Besides for the setting-up of candles, the members united also for special devotions to their patrons ; and amongst these Gilds must be named, above all, the fraternities of the Rosary, as those widest spread since the days of St. Dominic. Further, the Gilds got masses said in honour of their patrons, and went in solemn procession to their churches on the days of their feasts. Conventions like that between the fraternity of London Saddlers, and the neighbouring Canons of St. Martin-le-Grand, by which the Saddlers were admitted into brotherhood and partnership of masses, orisons, and other good deeds, with the canons, were common with these religious Gilds. They further obliged their members to engage in devotions and divine services for the souls of their departed brethren, and often, also, to aid pilgrims and pilgrimages<sup>1</sup>, especially (to some most revered places, as, for instance, to the Holy Land, to the tombs of the apostles Peter and Paul, or of St. James (of Compostella), to Loretto and other places.)

But, as Hinemar pointed out, the "*obsequium religionis*" (included not only devotions and orisons, but also every exercise of Christian charity, and therefore, above all things, mutual assistance of the Gild-brothers in every exigency, especially in old age, in sickness, in cases of impoverishment,—if not brought on by their own folly,—and of wrongful imprisonment, in losses by fire, water, or shipwreck, aid by loans, provision of work, and, lastly, the burial of the dead. It included, further, the assistance of the poor and sick, and the visitation and comfort of prisoners not belonging to the Gild. And, as in the Middle Ages instruction and education were entirely supplied by the Church, and were considered a religious duty, we find among the objects of religious Gilds also the aid of poor scholars, the maintenance of schools, and the payment of schoolmasters.)

No Gild pursued all these objects together ; in each separate Gild one object or the other predominated, and, besides it, the Gild pursued several others. But often, too, we find Gilds for the fulfilment of quite a concrete and merely local task, as, for

<sup>1</sup> Mr. Ludlow's suggestion (*Fortnightly Review*, vol. vi., N. S., p. 399), that the assistance of pilgrims "is probably the original of what is now termed 'donation' to 'travellers,' or 'tramps,' or sometimes simply 'tramp-money'—i.e. relief to members going in search of work," can hardly be serious. Craftsmen travelling in search of work were at least not usual in England in the fourteenth century, and perhaps even never as long as the old system of industry prevailed ; whilst a glance at some ordinances relating to the relief of pilgrims, even among the statutes of Craft-Gilds (such as, for instance, on pp. 180, 182 and others of Mr. Smith's collection) might convince Mr. Ludlow of the real nature of these pilgrims. (The 12 Richard II. cap. 3, requiring a Letter-Patent from wandering labourers, evidently refers to agricultural labourers only.) See Additional Notes, No. 4.

instance, the Gild of Corpus Christi at York. I am obliged on this account to make some observations against Mr. Toulmin Smith, though I do it with extreme unwillingness; for nobody can acknowledge Mr. Smith's great merits in making this collection with greater thanks than myself, and I am most keenly alive to the fact that it becomes me, least of all, to enter into controversy against a man of such learning, especially in this place. But Mr. Smith has so strangely misconceived the character of this Gild<sup>1</sup>, that I think it absolutely necessary to correct him.

The case with this York Gild is simply this. (In all Roman-Catholic countries the consecrated host is carried every year on the day of Corpus Christi, by the priest of highest rank in the place, in solemn procession, in the towns through the streets, and in the country over the fields.) This is one of the greatest feasts of the Roman-Catholic Church. To heighten its solemnity, all the pomp which the Church can command is brought together. With this intention the clergy of York founded a special Gild, of which the sole object was to provide the ceremonies and pomp of this festival. As the solemnities of one of the greatest ecclesiastical feasts were in question, it can easily be understood that those who were at the head of the Gild were priests. Moreover, the reason why the many crafts of York joined so generally in this procession, was neither "the love of show and pageant which it gratified," nor was it "the departure from the narrow spirit of the original ordinances," but simply that the taking part in this procession was considered as a profession of faith in transubstantiation. I have myself seen at Munich, the King, the Ministers, the whole body of clergy, the University, all the Trades with their banners and emblems, all the Religious Fraternities, the Schools, and even the Army, taking part in a like procession; and that at Vienna is renowned for still greater pomp.

As (there were Gilds for conducting this procession,) so there were also (Gilds for the representation of religious plays,) which were common in the Middle Ages in all countries, and which are still performed in some places, for instance, every tenth year at Oberammergau in Southern Bavaria. Such were the Gild of the Lord's Prayer at York, and the Gilds of St. Elene, of St. Mary, and of Corpus Christi, at Beverley<sup>2</sup>. The performance of secular plays was also the object of some Gilds, for instance, of the Gild at Stamford<sup>3</sup>, and of the *Confrérie des Couards* at Rouen<sup>4</sup>.

<sup>1</sup> See pp. 140-143 of Mr. Smith's collection.

<sup>2</sup> See also Blomefield's account of the Gild of the Holy Cross at Abingdon, in his *History of Norfolk*, iii. p. 494.

<sup>3</sup> See p. 192 of Mr. Smith's collection.

<sup>4</sup> Quin-Lacretz, p. 433.

Moreover, all objects of common interest for which now-a-days special societies and associations provide,—for instance, the various insurance companies,—in the Middle Ages caused all who were interested in them to unite themselves to religious Gilds; the motive and the principles only were other than those of to-day, namely, Christian charity, instead of profit. Thus there were not only Gilds like the “*Fraternitas ad Adi-sicandum Capellam St. Gertrudis*<sup>1</sup>,” but also those for the repair of bridges and highways<sup>2</sup>. The National Life-Boat Institution of to-day would undoubtedly have been a Religious Gild in the Middle Ages; to be convinced of it one need only look at the statutes of the Gild of the Holy Trinity, Weynale, Norfolk<sup>3</sup>. Even at the present time I know of societies similar to these Gilds among the Catholics. The Roman-Catholic Bishops of Germany founded, a few years ago, the association of St Catherine all over Germany, with a great number of local branches, for the foundation of a Roman-Catholic University. Every member is bound to a minimum contribution and to certain devotions. The Bishop of Hippo and Tagaste founded, especially in France, but with branches extending to other countries, an association under the same obligations for the erection of orphan-houses in Africa; and similar to these there exists still now an infinite number of associations in the Roman-Catholic Church. Like these last-named examples of to-day, the mediæval Gilds always connected special devotions and good deeds with the pursuit of their principal object.

(When the Frith-Gilds originated, after the family had ceased to afford its members necessary protection, they also, as well as the Craft-Gilds in later times, connected with the pursuit of their political and industrial objects certain devotions and good deeds;) and it has therefore been justly observed, “that it was not till the times subsequent to the Reformation that these fraternities could be regarded as strictly secular.” These religious provisions in all kinds of Gilds were probably the reason why Mr. Toulmin Smith has given the name of Social Gilds to those which provide for other common interests besides the political and industrial ones, instead of terming them “Religious Gilds,” as was usual till now. His name for them is undoubtedly a just one, but it comprehends the political and industrial Gilds as much as the one used hitherto; for the bases on which these Gilds rested were the same social principles as those by which the rest were guided. It distinguishes the two kinds even less; for though there were religious provisions in the political and

<sup>1</sup> Wilda, p. 349.

<sup>2</sup> See p. 249 of Mr. Smith's collection.

<sup>3</sup> See p. 110, *ibid.*

industrial Gilds, yet these were always only of less importance, whilst the other Gilds pursued regularly as principal objects things, the provision for which was considered in the Middle Ages as an essential religious duty and task of the Church<sup>1</sup>. Though I acknowledge the justness of Mr. Smith's appellation, I prefer the one which Madox uses, and which is also in use in all other countries.

People of all ranks took part in these Religious Gilds. Now and then, however (people out of a certain class were not to be admitted<sup>2</sup>) The same person might take part in several religious Gilds. The members had often a special livery, as is still now the case with some fraternities at Rome. These liveries were worn on their ecclesiastical festivals, and probably also at the great feastings and drinking-bouts which were always connected with them. Notwithstanding all the prohibitions against the latter, since the days of Hinemar, they seem to have so pushed themselves into the foreground, that sometimes special references were needed in the Gild statutes, that "not eating and drinking, but mutual assistance and justice were the principal objects of the Gild<sup>3</sup>."

The expenses to be defrayed for attaining the objects of the Gild were provided for by the entrance-fees, the contributions, the gifts and the legacies of members. The contributions were sometimes fixed, but sometimes, especially in earlier times, they varied according to the wants of the Gild. The account of the Gild of the Smiths at Chesterfield is the only one in which there are no contributions mentioned<sup>4</sup>; it had its own property, from which all its expenses were to be defrayed; it had, however, to pay with bankruptcy for this deviation from Gild principles. The organization of the Religious (or Social) Gilds was the same as that of all Gilds up to the time of our modern Trade-Unions: a meeting, and officers elected in it, with fines for not accepting office when chosen to it. Often the members had, on their entrance, to declare by oath that they would fulfil their obligations. Persons of ill repute were not to be admitted; and mem-

<sup>1</sup> As I discussed this subject a little with Mr. Toulmin Smith,—I think we settled the name together,—I may say that he looked at the main object of the Gilds he was dealing with, those of A.D. 1389; and as that was unquestionably social, like that of our modern Benefit-Societies, he gave those Gilds their right name. To have called them "Religious," because of their ornament of a saint's name, would have seemed to him and me a monstrous contradiction, in the days of Chaucer and Wycliffe, of William who had the Vision of Piers the Plowman, and others who have left us records of what Romanism, with its monks and friars, practically then was in England.—F. J. FURNIVALL. See Additional Notes, No. 2.

<sup>2</sup> See p. 179 of Mr. Smith's collection. See also Wilda, p. 361.

<sup>3</sup> See Wilda, p. 33.

<sup>4</sup> p. 168 seqq. of Mr. Smith's collection.

bers were to be excluded for misconduct. Moreover, the same rules are to be found with regard to proper behaviour and decent dress at the Gild-meetings, as reeurn in all kinds of Gilds to our day. Disputes among members were to be decided by the Gild. The disclosing of the affairs of the Gild was to be severely punished. In those places in which the Gild had no special hall, its meetings were often held in the Town-hall<sup>1</sup>. The fraternities must accordingly have enjoyed high consideration.

As to the Gilds among the clergy, the Capitularies of Hincmar—which, as said above, related to them<sup>2</sup>—contain ordinances against the extravagances of the priests at funeral meals, and at the feastings which used to follow their meetings, especially those of the priests of a deanery (or diaconasia), on the first of each month. No priest was to get drunk at them, nor was he to empty goblets to the health of saints or of the soul of the deceased; nor was he to force others to drink, nor get drunk himself at the desire of others. The priests were not to burst out into indecent noise or roaring laughter; they were not to sing vain songs nor tell inane jokes; nor were they to allow scandalous performances of bears or female danciers to be made before them, nor delight in other mummeries, “because this was heathenish, and forbidden by Canon law.” Nor were they on every occasion to provoke each other, or anybody else, to passion and quarrels, and still less to fighting and murder; nor was he who was provoked to assail at once his provoker. On the contrary, the priests were to breakfast with honesty and fear of God; holy stories and admonitions were to be read, and hymns sung, and every one was to go home in good time. Exactly the same ordinances are contained in the Capitularies of Bishop Walter of Orleans<sup>3</sup>, which likewise bear date in the year 858.

These passages do not, however, contain anything from which the existence of a Gild amongst these priests can be inferred; for the extravagances mentioned might be connected with any kind of meeting. In later times, however, the clergymen assembled on the first day of each month to deliberate on their interests, were united in special fraternities, which, from their meeting-day on the Kalends of each month, were called “*Gilds of the Kalenders*.” It is generally inferred from this, that probably even in Hincmar’s time the priests bound each other by mutual agreement to pray for their salvation, and to observe certain

<sup>1</sup> See Wilda, p. 248.

<sup>2</sup> Labbei Concilia, ed. Coleti, t. x. cap. 14, p. 4: “Quomodo in conviviis defitorum, aliarumve collectarum gerere se debeant.” Cap. 15: “Quid cavendum sit presbyteris, quando per Kalendas inter se convenient.”

<sup>3</sup> Ibid. cap. 17, p. 73: “Quomodo in consortiis et conviviis gerere se debeant.”

rules with respect to their meetings ; and these meetings are accordingly believed to have been Gild-meetings of the clergy. This is nothing but a mere conjecture, it is true. But it is also true that, in later time, the members of the Gilds of the Kalenders used to assemble on the Kalends of each month for divine service, for deliberation on their interests, and for common meals, like the priests in the time of Hinemar. In a deed of the fifteenth century they are still called "*fratres in calendis missas celebrantes*"<sup>1</sup>. In any case, therefore, the name "Gilds of the Kalenders" seems to be derived from these monthly meetings.

In later times the objects of these Gilds were extended to the exercise of any good works, especially towards the Gild-brothers themselves,—as for instance, the distribution of loaves among them,—and also to the assistance of the poor, the furnishing of church-attire ; and these Gilds, as is shown by the Statutes of the Gilds of the Kalenders at Bristol<sup>2</sup>, (employed themselves even in the keeping of old records, and in the maintenance of schools.) Now and then the Statutes of these Gilds remind their members expressly, that their fraternity was erected "*non solum pro commodis presentibus, et lucris temporalibus inhiandiis, sed magis pro beneficiis celestibus et perpetuis*"<sup>3</sup> ; and especially with regard to the great feastings of these Gilds, such admonitions may not have been out of place. Most of the Statutes of the Gilds of Kalenders have, for the regulation of their feasts, a special bill of fare, as an appendix<sup>4</sup>. In some Gilds there were special stewards to provide for these meals, and then the expenses were defrayed by common contributions ; in others, some of the brethren and sisters, each in their turn, had to prepare the meal from their own means.

These fraternities existed originally only among the clergy. In later times laymen too took part in them ; and then the only distinction of these Gilds from the other religious fraternities was, that the clergy prevailed in them, whilst proportionally only few clergymen belonged to the others, and were even sometimes expressly excluded from all offices<sup>5</sup>. The only account of a Gild of Kalenders contained in the present collection of Mr. Smith, that of the Gild of the Kalenders of Bristol, belongs to this later time. Often the number of members was limited in these Gilds, sometimes to the number of the twelve apostles, sometimes to twenty-four. In this case the number of lay members was always fixed in proportion to that of the clerical members. Thus the Gild of St. Canute at Flensburg consisted,

<sup>1</sup> Wilda, p. 352.

<sup>2</sup> Wilda, p. 356.

<sup>3</sup> See p. 287 of Mr. Smith's collection.

<sup>4</sup> Ibid. p. 365.

<sup>5</sup> See p. 264 of Mr. Smith's collection.

according to its Statutes from the year 1382, of twenty-four priests; but whenever this number could not be filled up, laymen might be admitted, but only to the number of eight, at the outside. The wives of laymen were, however, excluded from the meetings till the year 1422. In this year, the Gild-book narrates, the ecclesiastical brothers were moved by the prayers of the lay brothers, repeated for several years, to grant the admission of their wives to the meals after the general meetings. There was, however, to be one condition: the wife of the lay brother, whose turn it was, was obliged to provide the meal, and to wait at table. The mayor and his wife were to have the first turn<sup>1</sup>.

The laymen, however, always remained in a subordinate position. At the meals they had seats separate from those of the priests,—probably because the latter talked over their affairs at table,—and in the deliberations the laymen had no vote. As among the other Religious Gilds, there were special ones for various classes and ranks, so there existed also Gilds for the higher and the lower clergy, the so-called Major and Minor Gilds of the Kalenders. One Gild of Kalenders existed in almost every town; in the larger towns even more. The organization of the Gild of Kalenders was the same as in other Gilds. Often the president was called Dean—perhaps a remnant of the origin of these Gilds.—Often, too, the Gilds of the Kalenders had halls like the other Gilds; and, as in the lay Gilds, the brothers of the ecclesiastical Gilds used to go there daily “to beer and to wine.”

The Reformation shook the whole system of Gilds to its foundation; and this was especially the case with the Religious Gilds of the laity, and the Gilds of the Kalenders. “In England,” says Madox<sup>2</sup>, “these Religious Gilds have been judged to be founded in superstition;” and it was the same in all countries in which the Reformation gained ground. The Gilds were therefore abolished in all Protestant countries; but not on the Continent as in England, in favour of the private purse of the King and his courtiers<sup>3</sup>; on the contrary, we see in Northern Germany and in Denmark, the property and income of these Gilds delivered everywhere, according to the intention of the founders, to the common treasure for the poor, to poor-houses, hospitals, and schools<sup>4</sup>. It is very interesting to see that the regular conventions of priests are found in Denmark even in the sixteenth century, after the introduction of the Reformation<sup>5</sup>. They were still called by the same name, “Gilds of the Kalen-

<sup>1</sup> Wilda, p. 359.

<sup>2</sup> *Firma Burgi*, p. 27.

<sup>3</sup> By Act 37 Henry VIII. cap. 4, and Act 1 Edw. VI. cap. 14. See Miss Lucy Toulmin Smith's Introduction, p. xlii.

<sup>4</sup> Wilda, pp. 372, 373.

<sup>5</sup> *Ibid.* p. 353.

ders," though they were held no more every month, but only once (or several times) a year. The synod at Rothschild ordered, that they should also take place in those provostships in which they had not existed till then, that the ministers might remain united in doctrine and ceremony. Nobody was, however, to be burdened with the preparation of a meal; and no stranger to the place, and no foreigner, was to be admitted a member of the Gild. The conclusion of another synod says: "When a priest goes to the meeting, he shall not be armed. During dinner they shall abstain from scandalous talk, drunkenness, and unseemly disputes; four dishes and no more are to be served; and towards evening everybody is to go home." A former synod, of the year 1562, had already forbidden the abuse of prolonging these conventions for two or three days. Pontoppidan<sup>1</sup> describes these conventions as they took place in the age after the Reformation, as follows: "The priests, together with their wives, heard a sermon in the church of the brother whose turn it was; they then proceeded round the altar, deposited there an offering on behalf of the poor scholars of the next town; the conclusions and proceedings of the foregoing provincial synod were then recited, and their other affairs talked over and put in order. After this they, together with their whole families, went to the parsonage, where they indulged a little at dinner, '*in bona charitate*' sang certain songs at meals, and made themselves merry in other wise; but sometimes quarrelled also scandalously, and made a great uproar." The resemblance of the synodal precepts mentioned above on this page to those which Hinemar of Rheims gave earlier in the ninth century to the "*presbyteris, qui per calendas convenient*" is striking. It shows clearly that after so many centuries these meetings were still held in the same way, and that the same abuses<sup>2</sup> had to be opposed.

When the zeal against everything connected with Catholicism, inflamed by the Reformation<sup>3</sup>, had cooled down a little, the old

<sup>1</sup> Pontoppidan, *Ann. Eccl. Dan.* iii. p. 47.

<sup>2</sup> In the year 1598, a parson at Ewerdrup had to prepare the meal at the meeting of the Kalenders. What was wasted there is to be found minutely in Pontoppidan, *Ann. Eccl.* ii. p. 47. There were consumed, among other things, one head of cattle (at the price of 18 marks), six lambs (12 marks), two fat swine (10 marks), seven geese (7 marks), ten pairs of fowls (3 marks 12 shillings), three tuns of beer of Rostock (33 marks), and two tuns of homebrewed beer (10 marks). The whole meal cost 156 marks 1 shilling.

<sup>3</sup> Compare excellent Parson Harrison: "Our holie and festiuall dales are verie well reduced also vnto a lesse number; for wheras (not long since) we had vnder the pope four score and fiftene, called festiuall, and thirtie *Profeſſi*, beside the sundaiies, they are all brought vnto seauen and twentie: and with them the ſuperfluous numbers of idle wakes, GUILDS, FRATERNITIES, church-ales, helpe-ales, and ſoule-ales, called also dirge-ales, with the heathenish rioting at bride-ales, are

associates felt painfully the want of their former convivial gatherings. (Gilds were therefore re-established for social purposes, and from this probably originated our clubs and casinos of to-day.) Of the essential nature of the old Gilds there is, however, no other trace to be found in these modern representatives.

The great analogy between the modern Friendly Societies and the old Religious or Social Gilds, has been already pointed out by Sir Frederick Eden<sup>1</sup>. He also pronounces the opinion, that " notwithstanding the unjustifiable confiscation of the property of the Gilds under Henry VIII. and Edward VI., there is every reason to suppose that private associations, on a more contracted scale than the ancient Gilds, continued to exist in various parts of England," and "that it is extremely probable, that many of these Societies [i.e. the Gilds], even after the confiscation of their lands at the dissolution, continued their stated meetings in the common room, or hall, for the purposes either of charity, or of conviviality<sup>2</sup>." An able article in the *Quarterly Review* for October, 1864, on "Workmen's Benefit Societies" (p. 318), refers also to their analogy with the Gilds. The latest comparison between both has been drawn, with reference to the Gild-statutes contained in Mr. Toulmin Smith's collection, by Mr. J. M. Ludlow, in the *Fortnightly Review* for October, 1869.

well diminished and laid aside."—Harrison's *Description of England*, A.D. 1577-87, in Holinshed, vol. i. p. 138, col. 2. (On Wakes and Church-ales, see Stubbes's *Anatomie of Abuses*, pp. 177, 173 of the 1836 reprint of the fifth edition.)—F. J. F.

<sup>1</sup> *State of the Poor*, vol. i. ch. iii.

<sup>2</sup> *Ibid.* p. 597.

### III. THE GILD-MERCHANTS.

THOSE sworn fraternities for the protection of right, and the preservation of liberty, of which mention has already been made in Part I., arose independently of the towns. Yet in the towns, the necessity of protecting liberty, property, and trade, against the violence of neighbouring nobles, the arbitrary aggressions of the bishops or the burgrave, or the bold onsets of robbers, or—as in the case of towns which sprang from the settlements of traders in foreign countries—against the onslights of the surrounding and often still barbarian inhabitants,—often too the feeling of insecurity within the towns themselves,—must have specially moved the small freemen to the formation of the societies above referred to. These inhabitants of the towns were old free landed proprietors; partly of the neighbouring estates, but chiefly of land within the territory of the towns themselves. Most of them carried on trade; some probably also handicrafts. But the possession of town-land is the distinguishing mark of these earliest burghers. To this possession alone was full citizenship everywhere attached in the first movements of civic life. Hence, whilst the dangers just mentioned as threatening liberty and property made it necessary to provide means of protection, and whilst the possession of soil in the same small territory—indeed, within the walls of the same town,—together with the similarity of occupations, increased the community of interests, close vicinity of residence made easy the conclusion of alliances. Naturally therefore, the whole body of full citizens, that is, of the possessors of portions of the town-lands of a certain value, the "*civitas*," united itself everywhere into one Gild, "*convivium conjuratum*;" the citizens and the Gild became identical; and what was Gild-law became the law of the town.

Such Gilds existed in England even in Anglo-Saxon times, as the formerly-mentioned Gilds of Dover, of the Thanes at Canterbury, as well as perhaps the Gild-Merchant at London<sup>1</sup>, together

<sup>1</sup> Wilda, p. 244; *Firma Burgi*, p. 26.

with many others, of which only later accounts are extant. Such also were the Gild-Merchant of York<sup>1</sup>, the great Gild of St. John at Beverley, of the Hanshouse of Beverley, as well as that of the Blessed Mary of Chesterfield, though these were of a somewhat later period<sup>2</sup>. The Old Usages of Winchester, too, contain many intimations of a former relationship of this kind between the Gild of Merchants there and the whole body of the citizens<sup>3</sup>; and the same is true of the Ordinances of Worcester<sup>4</sup>. One of the documents relating to these Gilds contained in this volume, contains the grants of liberties, and of a Gild, to the townsmen of Beverley, similar to the grant of civic constitutions to several German towns,—as, for example to Lübeck, according to the municipal laws of Soest, to Freiburg according to those of Cologne<sup>5</sup>,—and to the grant of communal rights to the people of Rheims, “*ad modum communiae Laudunensis*<sup>6</sup>” (Laon), by Louis VII. of France. By this document, on p. 151 below, Thurstan, Archbishop of York, grants to the townsmen of Beverley, a Gild, and “all liberties, with the same laws that the men of York have in their city.” King Henry I., as well as Thurstan’s successors, confirmed this Beverley grant; and there is even a document, stating its confirmation by Pope Lucius III. From this kind of Gild sprang, in England, the method of recognizing the citizens as an independent body, by confirming their Gild<sup>7</sup>.

The same relationship between the Gild and the town community existed in France. In Paris, the government of the town lay in the hands of the *mercatores aquæ*, who formed the municipal<sup>8</sup> body. In the eleventh and twelfth centuries, especially in the North of France, appear unions of the free

<sup>1</sup> Wilda, p. 250.

<sup>2</sup> *English Gilds*, pp. 151 and 165. (By the quotation *English Gilds* is always meant the Statutes contained in Mr. Toulmin Smith’s collection.)

<sup>3</sup> Cf. *ibid.* p. 357. The Usages date from a time in which the commonality of Winchester enjoyed already a share in the government of the town. Yet the members of the old Gild of Merchants appear still as its governors; it is from amongst them (“the meste gode men,”—an expression which occurs frequently also in Germany and Belgium for the patrician families) that the Council of the Mayor, and the twenty-four sworn men, are taken; and these exercise a vast influence at the election of the Mayor, and on other occasions. (Cf. *English Gilds*, p. 349.)

<sup>4</sup> *English Gilds*, p. 369.

<sup>5</sup> Cf. Wilda, p. 221, &c., and p. 231, &c.

<sup>6</sup> Raynouard, *Histoire du Droit Municipal en France*, tom. ii. livre iv. ch. i. § 10 (Paris, 1829).

<sup>7</sup> Madox, *Firma Burgi*, p. 27: “Peradventure, from these Secular Gilds, or in imitation of them, sprang the method or practice of gildating and embodying whole towns.”

<sup>8</sup> Raynouard, tom. ii. livre iv. ch. i. § 9. See also Wilda, pp. 239-244.

townsmen, in order to protect themselves against the oppressions of the powerful, and the better to defend their rights<sup>1</sup>. So, in 1070, the citizens of Mans established a sworn confederacy, which they called *commune*<sup>2</sup>, in order to oppose the oppressions of Godfrey of Mayenne. The people of Cambrai did the same against their bishop in 1076, during his absence; and as he, on his return, refused to recognize their confederacy, they shut the gates of the town against him. An affair of the same kind had taken place there already in 957<sup>3</sup>. These instances might be multiplied. The numerous grants of communal rights to French towns from the eleventh to the thirteenth century, are nothing but the recognition by the king of such Frith-Gilds as had been previously in existence for a longer or shorter period. Kings, even when they did not favour Gilds upon their own demesnes, generally did so upon those of the nobility, whose power they wished to break<sup>4</sup>. But everywhere then, as in later times upon the formation of trade-unions, many transitory confederations, many unsuccessful attempts, and a great expenditure of courage, magnanimity and energy, preceded the permanent establishment of the communes.

Thus, in 1188, Count Philip of Flanders confirmed to the town of Aire in Artois, its laws and customs, such as his predecessors had already granted and recognized to the citizens, in order to secure them from the attacks of "wicked men"<sup>5</sup>. These customs were those of the *Amicitia*, the Gild of citizens, which had been established by them probably even before the time of their first recognition, for protection against attacks from without, and for securing peace within. What the *Amicitia* was for Aire, the so-called *Troedscapen* were for the towns of the Netherlands<sup>6</sup>, the *Hezlagh* for Sleswig<sup>7</sup>, and apparently the *St. Canute-Gild* for Flensburg<sup>8</sup>. There are hardly any records bearing reference to Gilds in Germany in the tenth and eleventh centuries; probably because they had disappeared from public notice in consequence of the measures taken against them by princes and bishops; yet the relations existing at a later period between the "highest Gild" and the town, leaves no doubt that

<sup>1</sup> See the account of the grounds of ratification in the Charters of the French Kings. Raynouard, tom. ii. livre iv. ch. 7.

<sup>2</sup> In Belgium and Germany it was only the unions of the lower classes which were called communes.

<sup>3</sup> Cf. Moke, *Mœurs, Usages, Fêtes et Solennités des Belges*, Bruxelles, ii. p. 6.

<sup>4</sup> Raynouard, tom. ii. livre iv. ch. 7. 8; Wilda, p. 152.

<sup>5</sup> D'Achéry, *Spicilegium* (ed. Paris, 1723), tom. iii. p. 553: "Quas ob injurias hominum perversorum propulsandas . . . eis indulserunt." See also Wilda, pp. 147-151.

<sup>6</sup> Wilda, p. 151.

<sup>7</sup> Ibid. pp. 77, 152-158.

<sup>8</sup> Ibid. p. 158, &c.

here too the Gild was the germ of the town-constitutions<sup>1</sup>. “But the enigma, that many towns in France (as even Paris, and almost in like manner in England, London) had municipal constitutions, without such a commune or Gild ever having been granted to them, finds its solution in the fact, that the Gilds existed there before German municipalism had come into being, and that the latter had developed itself unnoticed out of the former<sup>2</sup>. ” This may also be said of the great towns of Flanders<sup>3</sup>. Of London, more anon<sup>4</sup>.

The earliest notice of such a Town-Gild upon the Continent, of that in Sleswig, contains a noble instance of a daring fulfilment of the duties imposed upon the Gild-brothers. Magnus, the son of King Nicholas of Denmark, had slain the Duke Canute Lavard, the Alderman and protector of the Sleswig Gild. When King Nicholas, in 1130, came to Hetheby (that is, Sleswig), his followers advised him (as an old Danish chronicle relates) not to enter the town, for the townsmen put in force the law with extreme severity within their Gild, called *Hezlagh*, and did not suffer any one to remain unpunished who had killed or even injured one of their brethren. But the king despised the warning, saying, “What should I fear from these tanners (pelipers) and shoemakers?” Scarcely, however, had he entered the town, when the gates were closed, and at the sound of the Gild-bell the citizens mustered, seized upon the king, and killed him, with all who tried to defend him<sup>5</sup>. Thus, even at the beginning of the twelfth century, the Gilds enjoyed in Denmark such respect, that the lord of the land, Duke Canute, was pleased to become their Alderman: and they had such power that they could venture to revenge, even upon a king, any violation of the law committed on a member of their great family.

The Sleswig Gild was called *Hezlagh*, that is, either sworn Gild, *convivium conjuratum*, or highest Gild, *summum convivium*<sup>6</sup>. If the latter, other Gilds must have existed besides it. Although the body of citizens and the Gild originally included the same persons, yet the quality of being a full-citizen did not of itself include the fellowship of the Sworn-Gild; for this a special acceptance was required. Now, as the towns flourished and increased in well-being, material differences in property must have arisen among the full-citizens — partly through the failure of individuals in the race for wealth, partly through the settlement of new poor families in the town—which could not but have a lowering effect on their occupations<sup>7</sup>. This led to

<sup>1</sup> Wilda, p. 170. Compare also Arnold's *Verfassungs-Geschichte der deutschen Freistaedte*, 1854, i. p. 401.

<sup>2</sup> Wilda, p. 152.

<sup>3</sup> Moke, i. 191.

<sup>4</sup> See pp. xcix, xcix of this work.

<sup>5</sup> Wilda, p. 71.

<sup>6</sup> Ibid. p. 72.

<sup>7</sup> Arnold, ii. p. 208; Moke, i. p. 179, ii. 107.

closing the old Gild which hitherto had existed alone in a town; by the side of which others then formed themselves with the same or similar ends. But the oldest Gild maintained a very natural precedence over the others, and was even called the "higher" or "highest" <sup>1</sup> Gild." Gradually, some system of hereditary transmission of the freedom of the Gild came into existence *de facto*, in that the son generally entered the fraternity to which his father belonged: the sons of Gild-brothers were naturally more willingly accepted than other new members, and, later on, the conditions of entry were rendered more easy for them. Thus originated a certain circle of families which from generation to generation belonged to the highest Gild, and continuously constituted its stock. The oldest Gild remained no longer equivalent to the whole body of citizens; the Full-burghers Gild became the Old-burghers Gild, and according to place and time its development became more or less aristocratic<sup>2</sup>.

In Sleswig, when King Nicholas was slain there in 1130, the Gild still included the whole body of the citizens. The Chronicle at least speaks of the citizens in general, who mustered at the call of the Gild-bell (the town-bell)<sup>3</sup>. On the other hand, in Germany, at a somewhat later period, the government of the town is everywhere found in the hands of a "highest Gild." In Cologne the *Richerzeckheit*, or Gild of the rich, *summum concilium*, occupied the municipal offices. In the eleventh century, during the struggle of the Cologne people against their bishop, Hanno, there was still only one Gild, which included the whole of the citizens:—at least, there is no mention of patrician families. But by the end of the twelfth century this Gild had become a *summum concilium*<sup>4</sup>. The government of the town rested exclusively with a "patrician-aristocracy," the *Richerzeckheit*, which had already grown insolent, exercised an oppressive sway, and looked upon power as a lucrative monopoly. This led, in the thirteenth century, to violent revolts of the craftsmen, particularly the weavers, who were especially thriving there. They were no longer willing to bear alone the burdens of the Commonwealth, but desired a share in the administration, at least in what concerned the management of the city household, and especially as the "Old-burghers" contributed least to the payment of the taxes. Several times, indeed, we see the weavers allied with the bishops of Cologne against the

<sup>1</sup> Wilda, p. 170, quotes the Statutes of Dortmund: "Si vero percursor est confrater maioris gyldie nostre amam vini superaddat burgensibus pro emenda." The members of the highest Gild enjoyed also the privilege of a less number of sworn brethren being required. Cf. Wilda, pp. 75-86.

<sup>2</sup> Cf. Wilda, pp. 77, 78; Arnold, vol. i. p. 246.

<sup>3</sup> Wilda, p. 77.

<sup>4</sup> See also Arnold, vol. i. p. 401 &c.

ruling families. The like often happened in those days—as for example, at Liège, Huy, and Bâle—and also in the earlier alliances of the French communes with the kings against the nobility, as well as in the modern alliances between the working-classes and Tories, or Caesars. But the men of Cologne did not succeed in their object, in the overthrow of the patricians, until the second half of the fourteenth century. Contemporary with the *Richerzechheit* there existed in the town other Gilds of merchants; but information as to their participation in the government of the town is wanting<sup>1</sup>. Traces of the same or some similar development are to be found in Spire, Strasburg, Frankfort-on-Main, as well as in Freiburg and Lübeck, and in several other towns<sup>2</sup>. The frequently recurring repetitions, by the town-hating Hohenstauffen, of Charlemagne's prohibition of conjurations (societies bound by mutual oaths), are shown by this to have been nothing but abortive attempts to annihilate the Gilds, whose existence was peremptorily required by the circumstances of the time. These prohibitions however affected the highest Gilds less than the others; at least, Frederick II.'s prohibition of the Gilds of Goslar in A.D. 1219, specially excepts the Gild of Coiners<sup>3</sup>, which in the free towns was regularly identical with the highest Gild, as in Cologne, Spire<sup>4</sup>, and other places.

In England, where the Gilds were far in advance of those of any other country, there were highest Gilds of the kind described, even in Anglo-Saxon times. There, according to Lappenberg<sup>5</sup>, the landed proprietors on or near whose estates the towns were built, for a long time exercised great influence in them, and constituted their aristocracy. Thus, in Canterbury, the condition of becoming an alderman was the possession of an alienable estate (*soca*), the possessors of which were united with other landed proprietors to the there-existing old Gild of the Thanes. But as there were at Canterbury two other Gilds besides, this Gild of the Thanes was probably the *summum convivium* of that city<sup>6</sup>.

With a much higher degree of development we have however to deal, as I believe, in the before-mentioned union of the Frith-Gilds of London, the like of which recurs at a later period at Berwick-upon-Tweed, and in a less degree of perfection in the German towns. The fact of London preceding other places in this development, presents no difficulty, since England must be regarded as the birthplace of Gilds<sup>7</sup> and London perhaps as their

<sup>1</sup> Wilda, pp. 176-194, 235 &c. 257 &c.; Arnold, vol. i. pp. 418, 419, 425, 433.

<sup>2</sup> Wilda, pp. 194-228, 231.

<sup>3</sup> Wilda, p. 169.

<sup>4</sup> Ibid. p. 195.

<sup>5</sup> Lappenberg, vol. i. pp. 610-612.

<sup>6</sup> See Additional Notes, No. 1.

cradle. At least there is documentary evidence that the constitution of the City was based upon a Gild; and it served as a model for other English towns<sup>1</sup>. According to the *Judicia Civitatis Londinie* of the time of King Athelstan, the Frith-Gilds of London united to form one Gild that they might carry out their aims the more vigorously. This united Gild governed the town; as is proved by the fact that their regulations bound even non-members. The occasion of this union was, perhaps, that here, as afterwards in other places, other Gilds had gradually formed by the side of the original sole Gild, and rivalries between the old and the new prejudiced the attainment of the aim of the Gilds—the protection of freedom and of right. Possibly the English *Knighten Gild* was this original one. According to Madox<sup>2</sup>, the alderman of the Knighten Gild was the alderman of the Merchant Gild of the City. Nor is our conjecture contradicted by Stow's statement<sup>3</sup> as to the date of the origin of this Gild; for this was probably only a sanction for the Gild's possession of landed property which it had received from King Edgar. It would not of course require royal permission to come into existence. The Knighten Gild had possession and jurisdiction both within and without the City, and its lands afterwards formed a quarter of London, whose name "Portsoken" shows also that it was formed from a territory situated originally without the city gates<sup>4</sup>. It was thus probably a Gild like that of the Thanes of Canterbury.

A similar union took place three centuries later at Berwick-upon-Tweed. In the years 1283 and 1284 the townsmen of Berwick agreed upon the statutes<sup>5</sup> of a single united Gild: "that where many bodies are found side by side in one place, they may become one, and have one will, and, in the dealings of one toward another, have a strong and hearty love." Article I. therefore provides that "all separate Gilds heretofore existing in the borough shall be brought to an end," and that "no other Gild shall be allowed in the borough." All formerly existing Gilds were to hand over to this one Gild the goods rightfully belonging to them, and "all shall be as members having one head; one in counsel, one body strong and friendly." The way in which this statute was drawn up shows clearly that "citizen" and "Gild-brother" were considered identical. It also contains a series of regulations concerning the administration of the

<sup>1</sup> Wilda, p. 248. See also Hüllman, *Städteverfass.*, vol. iii. p. 73.

<sup>2</sup> *Firma Burgi*, p. 30.

<sup>3</sup> Stow's *Survey of London* (ed. 1720), bk. ii. p. 3 &c.

<sup>4</sup> Lappenberg, vol. i. p. 614; cf. also Wilda, p. 247.

<sup>5</sup> *English Gilds*, p. 338, &c.

(4)

town, the police of the markets, and various other points of municipal interest<sup>1</sup>. The words of the preamble and of the first article show that, before the union of the various Gilds, rivalries detrimental to the body of the citizens had sprung up. The succeeding articles make it clear that only the better inhabitants, the merchants, were Gild-brethren and citizens<sup>2</sup>: and several of the articles point out that at least one of the consolidated Gilds had been a Frith-Gild<sup>3</sup>, which originally coincided with the whole body of citizens<sup>4</sup>. It may be that this first Gild included —as was the case in Canterbury—the old families, the original possessors of the soil in and around the town, who either then or afterwards carried on trade; or that it acquired with the growth of the town an aristocratic family character, as was the case in many German towns; or that it limited, for other reasons, the number of its members. Then new Gilds arose, whose members were but little, or not at all, behind those of the first, either in rank, social consideration, or wealth, and who therefore strove for an equal-share in the government of the town. This led, in Berwick, to the above-noticed amalgamation of the Gilds, and in the German cities to a participation in the Town-Councils. Thus it was with Spire and Frankfort; thus also with Lübeck and Strasburg, and probably also with Cologne. In London this process was going on perhaps as early as the tenth century. The admission of these new Gilds formed the transition from the Gild constitution of the town to that of the “commune,” which was often further developed under violent storms, when the patricians withheld the ever-increasing struggles for power of those inhabitants who were excluded from political rights. The history of the German and Belgian towns furnishes abundant proof of this being the case.

A peculiar union of Gilds must be inferred from an article in the Gild-Statutes of Malmoe in Denmark<sup>5</sup>. According to this article a confederation existed among the Gilds of various places, and had general assemblies of the Gild-brothers at Skanör. Perhaps its condition was analogous to that of the Flemish Hanse, or of the confederacies of the German towns, or of Edinburgh, Stirling, Berwick, and Roxburgh, united to a general

<sup>1</sup> Articles 2, 15, 16, 19, 22, 23, 24, 26, 27, 28, 29, also 30; further 33, 34, 35, 40, 42, 43, 44, 45, 46. *English Gilds*, p. 338, &c.

<sup>2</sup> Articles 18, 25 (as to the last see p. cvii), 20, 21, 30, and others.

<sup>3</sup> Articles 12, 13, 31, 32.

<sup>4</sup> Cf. Article 14.

<sup>5</sup> Wilda, p. 100: “Qui vero in aliquo convivio contumax inventus fuerit vel satisfacere noluerit, si legitime citatus fuerit ad synodum generali in Skanör, si ibidem respondere contemserit, ex tunc a dicto convivio excludatur.” The drawing-up of this statute took place towards the end of the thirteenth century. See Wilda, p. 115.

Scottish Trade-Gild. It reminds one also strongly of the organization of the English Trade-Unions at the time of their change from local into national societies, when they united a great number of towns all over the country.

It may not be out of place here to dwell for a moment on the confederations among the German towns in the thirteenth century which I have just mentioned. They, too, originated from circumstances similar to those which called forth the first Frith-Gilds ; they were emanations from the same spirit, were founded on the same principles, and had rules similar to theirs ; they were Gilds with corporations as members. The most important among these unions was that of the Rhenish towns. At the time of the interregnum, that is, at the very moment when Germany was left utterly without a ruler, when there was no power to check the princes in the unlimited extension of their rights, when they levied tolls at their pleasure, and ground the poor to the bone by exorbitant taxes ; when knights and nobles lived by highway robbery, waylaid streets and passes, and plundered and murdered the merchants ; when the strong oppressed the weak, unpunished, and might was right ;—in that classical age of club-law, when there was no supreme power in the empire, the union of the Rhenish towns stepped for a time into its place. This union was no mere offensive and defensive alliance ; its object was the maintenance of an entire system of order and law, and of the authority of the Empire. It forced even princes and nobles to join it. Like the Gild-brothers of Cambridge, the towns entered upon mutual obligations by oath ; and the measures which they adopted for the protection of their members, and for the chastisement of the breakers of their peace, were similar to the Cambridge ones. A special clause insured common protection to the poor and little as well as to the mighty and great, whether they were lay or cleric, Christian or Jew<sup>1</sup>.

A short examination of the Statutes of the Town-Gilds will justify our claim for these confederations of towns to be shoots from the same root, fruits from the same tree, and higher stages of the same development from which the Frith-Gilds sprang. From the time when these Frith-Gilds stood at the head of the towns, their Statutes show, without a particle of change, the essential nature of the Gilds as disclosed by the Gild-Statutes of Cambridge. These Gilds appear as an enlarged great family, whose object is to afford such assistance to their members in all circumstances of life as one brother might expect from another,

<sup>1</sup> See Arnold, vol. ii. p. 65 sqq. ; Barthold, *Geschichte der deutschen Städte und des deutschen Bürgertums*, vol. ii. p. 200 sqq. Leipzig, 1850.

and consequently, above all things, protection against the unbridled arbitrariness of the mighty, whether exercised by violence, or attempted at law by means of numerous friends as compurgators. The Gilds do not appear however as associations for instituting a *new* law, but for maintaining the laws already existing, for supplementing a system of order as yet defective and only in course of development, and for guarding in common against the dangers attending a weak government.

The most detail-giving Statutes of Frith-Gilds which any country can show, are the Danish<sup>1</sup>. The following statements<sup>2</sup> rest mainly on their Ordinances:—

If a Gild-brother has been slain by a stranger, the Gild appears as an ally of his relations for taking revenge, or for obtaining the *wergild* or blood money. But if a Gild-brother has slain a stranger, the Gild assists him in the atonement he must make for the manslaughter, by means of the *wergild*; or in his escape, if he has been outlawed for the crime. Even if one Gild-brother kills another, the case is chiefly considered as a matter for the family of the slain; and, having made atonement to it, the culprit may remain a member of the fraternity. Only in the case of malicious and wilful murder was he expelled as a worthless man (*niding*), and left to the mercy (that is, vengeance) of his victim's family. The Gild-brothers also rendered each other such assistance as was sanctioned by the laws and customs of the time, in prosecuting and supporting their rights in courts of law. But it was everywhere the first principle of the Gild to assist him only who had justice on his side. How strictly this principle was observed may be inferred from the universal esteem enjoyed by the Gild-brothers, so that their evidence was considered specially credible; and wherever twelve persons were required as jurors or compurgators, half the number of Gild-brothers, or even less, were deemed sufficient.

To maintain and carry out their Ordinances, the Gild required a special jurisdiction; and, in consequence of the necessary distrust by the citizens of that time of the tribunals of their masters, it was natural that quarrels of all kinds which arose between members after their admission were brought within the reach of the

<sup>1</sup> Gilds had probably been transplanted from England to Denmark under King Canute, about the middle of the eleventh century. They soon placed themselves under the special patronage of the three royal saints of the land, St. Canute the King, St. Canute the Duke, and St. Erich the King, and were called after them St. Canute's Gilds and St. Erich's Gilds. From that time the government got-up relations with them, and favoured them as associations for the maintenance of law, security, and order.

<sup>2</sup> Compare especially Wilda, pp. 116-144, and the Gild-Statutes contained in this volume.

Gild. Quarrels among members only came, as a rule, within the jurisdiction of the association ; and it was only in consequence of the peculiar relation of some Gilds to the town that disputes between non-members had also to submit to the Gild. The limits of this jurisdiction varied according to time and place ; but it was everywhere the rule that Gild-brothers, before going into the law-court, had to bring their case before the Gild for the sake of attempting, at least, reconciliation between them. But the Gild never assumed a right over the life and limbs of its members ; compensation only, and fines, were used for punishments, the highest penalty being expulsion.

The same regulations as the Religious Gilds had with regard to helping Gild-brothers in every need, are to be found in the Frith-Gilds. On this point the Statutes of the Gilds of all countries are almost identical. If a brother falls into poverty, if he incurs losses by fire or shipwreck, if illness or mutilation renders him unable to work, the brothers contribute to his assistance. If a brother finds another in danger of life on sea or in captivity, he is bound to rescue him, even at the sacrifice of a part of his own goods ; for which, however, he receives compensation from the brother assisted, or from the community. English Gild-Statutes frequently mention loans to be given to brothers carrying on trade, often with no other condition than the repayment of it when he should no longer need it. The sick brother found in his Gild aid and attendance ; the dead was buried<sup>1</sup> ; for his soul prayers were offered, and services performed ; and not unfrequently the Gild gave a dowry to his poor orphan daughter. The numerous provisions as to the poor, as to pilgrims, and other helpless people, in the Statutes of English Gilds, prove that non-members in want found help from them as well.

The regulations as to the payment of chaplains of the Gild, as to common service and prayers, as well as to common feastings, were equally general : and everywhere fines recur equally for the infringement of the agreed-to Ordinances, for unseemly behaviour, and for offending of members.

There was an alderman at the head of the Gild, and often stewards by his side as assistants. Other officials are also now and then to be met with. The reception of a member depended upon the whole association. If any one living in the country, or a foreigner, wished to become a member of the Gild, a citizen had to pledge himself for his honour. In an association so closely united, the honour of every single member was to a certain extent the honour of the whole body. Pure life and spotless

<sup>1</sup> See also especially *Meke*, vol. ii. p. 92.

reputation<sup>1</sup> must therefore appear as *the* condition of Gild-freedom. Besides this, the Gild-Statutes demand ~~roy~~ her condition for admission. Everybody entering the Gild had to bind himself by oath to keep the Gild-Statutes.

Women also might become members of the Gild. They were, however, generally the wives or daughters of Gild-brothers. It is only an exception when in several of the Gilds women became free of the Gild in their own right. They, however, shared only in the advantages and burdens of the Gild, and never took part in its administration or its councils.

Many of the towns whose government was in the hands of such Gilds, especially those accessible by the sea, had been founded by merchants. Like the modern so-called "factories" in Asia and Africa, the old merchants fortified places from which they carried on trade with the surrounding people. But in all other towns also the great majority of the more respectable burghers lived by trade. "When the Normans approached the harbour of Tiel," says a writer of the eleventh century, "the population living on the Wahal fled, leaving behind all its goods, money excepted: for it consisted of merchants." He speaks besides of their common feastings, and says that they did not pronounce sentence according to the law of the land, but according to their own will, maintaining that the Emperor had granted and confirmed to them this right by charter<sup>2</sup>. It is therefore evident that a Gild of merchants existed there, who governed the town. The excellent market of Antwerp is mentioned as early as 837, in which year the Normans put it to the flames; Gant (Ghent) is described as flourishing by trade and fishing; and the same may be said of a number of other Belgian and French towns. The magistrates of Paris are said to have been called

<sup>1</sup> A passage not yet sufficiently explained in the Sleswig Town-Statutes (Wilda, p. 83), appears to me to find its explanation from this fact. According to this passage, the Gild-brothers needed a less number of compurgators than a non-member of the Gild. If the latter was not married, however, he enjoyed the same privilege as a Gild-brother. But if he married, and was not a member of the Gild, he required the double number. People have justly sought for a special explanation of this Ordinance, by which the married was placed in a worse position than the unmarried. Now at that time the *civitas* and the *convirium conjuratum* were identical, it is true; nevertheless, the quality of a full-citizen did not give by itself the freedom of the Gild. A special admission was required. But every married full-citizen of unstained reputation was doubtless a member of the Gild; and if he were not, it was a sign that some stain on his honour excluded him, which justified in itself the requirement of a greater number of compurgators. But as long as a man was not married, he was not considered an adult; he could not therefore require to be a member of the Gild, and no one could wish to subject him to disadvantages at law for the simple reason that he was young. Compare also the regulations at Hamburg, Wilda, p. 268.

<sup>2</sup> Moke, vol. i. pp. 118, 120, 192.

*nante* in the times of the Romans<sup>1</sup>; and in deeds of the twelfth century the words *burgenses* and *mercatores*, or *mercatores per aquam*, are used as synonymous. The corporation of the Paris merchants stood at the head of the town<sup>2</sup>. It was the same with the towns in Germany. Of the foundation of Freiburg in Brisgau we are told, that when Berthold of Zähringen intended to found a free city, with the same liberties and laws as the men of Cologne had in their city, he first assembled a number of respected merchants, to whom he allotted ground for the building of houses on the place destined as the market-place. From their number he took also the consuls of the town. Lübeck was founded likewise on the basis of a free merchant community. And as it was in these towns, so it was in their prototypes. At Cologne, in the eleventh century, the terms "burghers" and "merchants" are alternately used as synonymous. At Spire the patrician families of the town, from whose ranks the council was taken, carried on trade. In like manner the leading families of Ratisbon consisted of merchants<sup>3</sup>. As to Denmark, the Danish word for town—*Kiøbsted* (bargain-place)—sufficiently denotes its character. In ~~London~~ also the Gild which was the base of its constitution, may have consisted chiefly of merchants. Wilda<sup>4</sup> alleges, in proof of this conjecture, the early importance of London trade; the ordinance in the above mentioned *judicia*, that every merchant having made three long sea-voyages on his own account was to have the rank of a *Thane*; and lastly, the report, that in a national assembly at Oxford in the year 1036, the shipowners, as the most important burghers of London, were delegated to elect King Hardicanute. There is no doubt as to the mercantile character of the ~~later~~ Town-Gilds in England; they are even called there *gilda mercatoria*<sup>5</sup>; and the

<sup>1</sup> Moke, vol. i. pp. 114-123.

<sup>2</sup> Raynouard, tom. ii. livre iv. ch. I. § 9.

<sup>3</sup> Wilda, pp. 231, 233, 236, 260, and 235.

<sup>4</sup> Ibid. p. 249; see also Madox, *Firma Buryi*, p. 26.

<sup>5</sup> One of these *gilda mercatoria* certainly existed at York in the time of Henry I. At this date the Gild at Beverley was constituted after its model. (See p. 151 of Mr. Smith's collection.) It became the general rule to confirm the Gild of a town by granting it all the liberties which another town already enjoyed. Wilda (p. 231) quotes from Madox, as towns which had received this confirmation under Henry II., Winchester, Shrewsbury, Andover, Southampton, Wallingford; under Richard I., Gloucester; under King John, Helleston and Dunwich; under Henry III., Hereford. Into the reign of the latter king falls also the rise of the Gild at Chesterfield. (See p. 165 of Mr. Smith's collection.) If the *gilda mercatoria* at Coventry (p. 226 of Mr. Smith's collection) was really a Town-Gild, its rise must belong to a much earlier time than its confirmation by Edward III. in 1340. Perhaps this confirmation was only a repetition of the sanction of the corporate rights, which might appear desirable to the merchants of Coventry, the better to protect their commerce, which, according to their complaints, suffered from their great distance from the sea. Besides, the Gild, as Mr. Toulmin Smith justly remarks,

words by which the king confirms their Gild to the burghers of a town, are often "quod habeant *gildam mercatoriam!*" In Scotland too the *gilda mercatoria* stood at the head of the towns<sup>1</sup>.

Security from external dangers, and the maintenance of peace in the interior of their towns, had been the original motives of the burghers in uniting themselves into these Gilds. But as almost all Gild-brothers carried on trade, the once existing organization was soon used for the furthering of the common trade interests; for it was in the nature of the Gild to provide generally for all wants which the family union was no longer sufficient to satisfy, and for the provisions for which the State was not yet developed and strong enough. To confederate in defence of liberty and right, was in itself the first requisite for the prosperity of trade and traffic. The regulations also that a Gild-brother who had incurred losses by shipwreck or undeserved misfortune, should receive compensation, may properly be referred to here; and, more still, the gratuitous loans given to the poor Gild-brother for carrying on his trade<sup>2</sup>. Moreover, it was the special endeavour of the Gild to obtain privileges which would further trade, for instance, the right-of coinage, staple-right, immunity from tolls, &c.<sup>3</sup> The Gild provided also for the regulation of industry, and for buying and selling (compare, for instance, the statutes of Berwick-upon-Tweed<sup>4</sup>, and of the Gild of the Holy Trinity at Odensee<sup>5</sup>); and for institutions such as the cloth-halls, with their severe control of wares, of which there existed one as early as 1060 at Valenciennes<sup>6</sup>. The importance of these cloth-halls may be seen from the fact that the merchants of Novgorod, after having several times received defective pieces of cloth from other places, determined that no cloth but that from the hall at Bruges should be allowed entrance into the Baltic ports and the Eastern markets<sup>7</sup>. The sooner a town became chiefly a commercial place,

might be erected without confirmation. At all events, the fourteenth century was no longer the time in which, on the foundation of Gild-Merchants, town-constitutions were formed. Moreover, earlier Gilds existed at Coventry; and the statutes contain nothing which characterizes the Gild as a Town-Gild. Perhaps also this Gild was nothing but a union for mere trade purposes. The Gild of the Holy Cross at Birmingham of the year 1392 was no *gilda mercatoria*, but appears much more like a Religious Gild. (See p. 239 of Mr. Smith's collection.)

<sup>1</sup> Madox, *Firma Burgi*, pp. 27, 132; *Hist. of the Exch.* vol. i. p. 412.

<sup>2</sup> Herbert, *Hist. of the Twelve Great Livery Companies of London*, 1837, vol. i. p. 22.

<sup>3</sup> See pp. 176, 229, &c. of Mr. Smith's collection.

<sup>4</sup> *Ibid.* pp. 151, 152.

<sup>5</sup> Art. 22, 30, 36, 37, 38, 39, 41, 43. These Articles probably belonged to the various Gilds amalgamated in 1284.

<sup>6</sup> See Wilda, p. 274.

<sup>7</sup> Moke, vol. ii. pp. 52, 90, 102. See an account of English cloth halls in the *Report and Minutes of Evidence on the State of the Woolen Manufacture of England*, 1866. See also p. clxxi, below.

<sup>8</sup> *Ibid.* p. 103.

the sooner did the Gild there take the character of a Merchant-Gild. These Gilds had also the superintendence of the craftsmen, as I shall notice when I speak of the origin of the Craft-Gilds. The Gilds founded by the merchants of the same land, even of the same town, in foreign countries—perhaps the oldest, and the prototypes of all others—and their confederacies among each other and with the mother country, the Hanse, can only be mentioned here, as to enter into details would lead us too far.

Though the Merchant-Gilds consisted chiefly of merchants, yet from the first, craftsmen as such were not excluded from them on principle, if only such craftsmen possessed the full citizenship of the town, which citizenship—with its further development—depended upon the possession of estates of a certain value situated within the territory of the town. The strict separation which existed between the merchants and the crafts probably arose only by degrees. Originally the craftsmen, no doubt, traded in the raw materials which they worked with. Thus the London tailors were, even in the time of Edward III., the great importers of woollen-cloth<sup>1</sup>; and as late as the sixteenth century the brewers of Hamburg were the principal corn-merchants<sup>2</sup>. The growth of wealth and of the number of the people necessarily called forth greater division of labour; the full citizens having become rich, only carried on trade, whilst the handicraft was left exclusively to the poor and the unfree. The poor were originally excluded from full citizenship and from the Gild by the want of a property qualification; and when, in consequence of the development which has just been explained, the poor and the craftsmen became identical<sup>3</sup>, this led to the ordinance repeated in Danish, German, and Belgian Gild-statutes, that no one “with dirty hands,” or “with blue nails,” or “who hawked his wares in the streets,” should become a member of the Gild, and that craftsmen, before being admitted, must have forsaken their trade for a year and a day<sup>4</sup>. The statement in the Gild-Statutes of Skanör<sup>5</sup> of the year 1266, “that no baker should henceforth be accepted as a member of the Gild,” belongs probably to the time of the transition just described; perhaps, indeed, the bakers there had formerly been corn-merchants too. Such a state of transition may also be inferred from Article 25<sup>6</sup> of the statutes of Berwick, according to which no butcher, as long as he carried on his trade, was to deal in wool or hides, except he were ready to forswear his axe. The facts are, that the Gild of Berwick was a

<sup>1</sup> Herbert, vol. i. p. 29.

<sup>2</sup> Wikla, p. 117.

<sup>3</sup> See also Wilda, p. 300.

<sup>4</sup> 300.

<sup>5</sup> Wilda, p. 111.

<sup>6</sup> Moke, vol. ii. pp. 89, 90, 106, 141; i. p. 193; Wilda, pp. 75, 223, 274, 284.

<sup>7</sup> See p. 343 of Mr. Smith's collection.

decided Merchant-Gild, and that the members traded chiefly in wool or hides. Formerly this trade was undoubtedly carried on with that of the butchers. But after the craftsmen had been excluded from the Gild, the butchers were forbidden to carry on a trade practised by Gild members. A like case was when the old laws of Gant forbade, in favour of the Gild-Merchant there, that clothes should be dyed for craftsmen<sup>1</sup>.

But the craftsman was not only excluded from the Gild, he was governed, and even oppressed, by it. Before, however, entering further upon this question, a short review of the foregoing investigation may be permitted. I have shown above, how after the protection afforded by the old family had been weakened, the common want of protection called forth in neighbours a feeling of family solidarity, and unity of interests of all who were menaced, and how the weakness of them all caused a feeling of general equality and brotherly love; how this led to the entering upon close fraternities, or Gilds, in imitation of the family; how these Gilds were developed, especially in towns; how in their further growth they shut themselves up in their own doors; and how this caused the formation of similar associations among the excluded full-citizens; how, lastly, these associations amalgamated again with the highest Gild at a later period, or obtained a share in the government of the town. Great are the thanks, as Kemble<sup>2</sup> justly and emphatically says, which we owe to these oldest defenders of the dignity of man against feudal arbitrariness: "in the times of the densest seignorial darkness, they offered a noble resistance to episcopal and baronial tyranny, and formed the nursery eradles of popular liberty."

Yet before this liberty attained a wider expansion, many a hard struggle had to be fought with those who had been its midwives. Independence being obtained, the old spirit departed from the citizens<sup>3</sup>. The older the Gild-Statutes, the more favourable are

<sup>1</sup> Moke, vol. ii. p. 89.

<sup>2</sup> *The Saxons in England*, vol. ii. p. 312.

<sup>3</sup> A writer of the twelfth century describes the degeneration of the citizens as follows: "Igitur in initio communia fœderationis fuit grata quia optimi viri eam tum sanxere, vita quorum justa, simplex, innocens fuit, ac sine cupiditate agitabatur; sua cuique satis honeste placebat, jus bonum apud ipsos valebat, concordia maxima, minima avaritia inerat. Civis civem honorabat, dives minorem non exprobrabat. . . . Postquam vero cives paulatim cœpere torpescere et alter in alterum insurrexere, scelerata sceleratorum multa (inulta) reliquerunt, quisque sua dishoneste dilatavere; . . . sic gradatim vi, mendacio, perjurio inferiores quoque opprimere cœpere; jus æquum, urbis bonum sic evanuit, corruxit etiam dominium." (*Chron. Aubertinum*, ad annum 1138; *Hist. Fr.* vol. xiii. p. 499, quoted by Moke, vol. ii. p. 12.) See also Moke, vol. ii. p. 92 sqq. The victory of the Liège citizens over the Duke of Brabant at Steppes in 1213 was followed by a bitter oppression of the craftsmen by the ruling families, carried almost to slavery. The craft organizations were abolished, and the presidents removed; the patricians

they to the man of low rank. Though the citizens were modest and benignant towards the poor, as long as freedom was to be obtained, yet the possession of it rendered them insolent and hard. By the enjoyment of power the descendants of the old simple associates of the Frith-Gilds became proud, ambitious, and tyrannical. The freer and more independent the burghers became, and the less they needed assistance from the general body of the crafts for the defence of liberties acquired and the obtaining of fresh ones, the greater was the degree in which this degeneration of the original noble spirit seems to have taken place. At least it appears to me that the greater dependence on a strong executive power, in which the towns remained in England and Denmark, was one of the causes why we find there no patrician order, whilst the ruling class in the Belgian and German towns, which had grown into small, and almost independent, republics, formed itself into an exclusive aristocracy. This aristocracy consisted chiefly of the descendants of the old merchant families, and partly of the offspring of the noble possessors of the surrounding estates, and of the officials originally appointed by the princes for the government of the towns.

The accumulation of riches helped to widen this ever-increasing breach between the feelings and interests of the different classes. Riches acquired by trade and employed in the purchase of estates and lucrative privileges, and the like, enabled the Gild-brothers to remain idle. Idleness became a matter of rank and of honour<sup>1</sup>, and a part only of the Gild-members carried on wholesale trade. Even the laws of the land make the distinction between the patrician and the man "without hearth and honour, who lives by his labour," and the former might with impunity box the ears of the latter for not showing him sufficient respect<sup>2</sup>. As ever, the ruling class, these patricians, also threw the chief burden of the taxes upon the governed. Frequent raisings of these taxes made them always more oppressive, while the income which they afforded, as well as the corporation property and the revenues it yielded, were employed for the private uses of the ruling families<sup>3</sup>. Besides this, the law was partially administered, or redress entirely refused to the unprivileged; and the worst oppressions

went even so far as to forbid the craftsmen to drink wine, except in case of sickness (Moke, vol. ii. p. 69).

<sup>1</sup> Arnold, vol. ii. p. 195; Wilda, p. 201.

<sup>2</sup> Thus the municipal law of Brussels of the year 1229 (Moke, vol. ii. p. 115).

<sup>3</sup> Arnold, vol. i. pp. 418, 419, vol. ii. pp. 299, 343, 377; Moke, vol. ii. pp. 13, 25, &c. Lacomblet, *Urkundenbuch des Niederrheins*, vol. ii. p. 245, Dusseldorf, 1840: "Quod quoque placet maioriis ciuitatis, ipsi faciunt . . . non exactio[n]um statuta, quarum exactio[n]um onus portant fraternitates et alii populares, qui communitas appellantur et sic depauperantur," etc.

in consequence of the *mundium*<sup>1</sup> led to the fear that a new serfdom might arise. As many of the craftsmen had once stood in the *mundium* of the bishop or the burgrave, as long as these ruled over the towns, so, after the patricians had got the dominion, a *mundium* of these over the lower classes came into existence, and those "who struck the lion down, had to pay the wolves homage." The mundmen were obliged to swear an oath (*fidelitas*) and to agree to services and taxes, for which the mundmasters promised them protection and assistance. This relation was particularly rigid at Strasburg; some of the ruling families there extorted in this way from the craftsmen a yearly rent of from 300 to 400 quarters of oats. In Cologne the craftsmen were almost the serfs of the patricians. Had the dominion of the patricians lasted longer, this dependence would certainly have become hereditary<sup>2</sup>.

→ The general deep hatred of the governed towards their oppressors seems therefore only too just; and the one idea which animated the souls of the craftsmen of the thirteenth and fourteenth centuries<sup>3</sup>, the abolition of the patriciate, seems only too easily to be understood. It was not seldom that they were aided in this endeavour by the degeneration of the patricians themselves. The principles of association, of brotherly love and unity of interests, under which the patricians had grown free and strong, must have hindered the rivalries of the strong in all their endeavours; and in free competition they fought for superiority in the towns in which a patriciate was most predominant. I need only recall to mind the fights between the Overstolzen and the Weissen at Cologne, between the Zornen and the Mühlheimer at Strasburg, between the Starbearers and the Popinjays at Basle, the strifes of the Auer with the rest of the patricians at Ratisbon, and the similar differences among the ruling families at Spire<sup>4</sup>. But the more the interests of the strong differed, the closer were the confederations of the weak. Already in the thirteenth century in all these towns the most violent struggles broke out between the craftsmen, united in the most brotherly way into Craft-Gilds, and the hated patricians. Tournai, Gant, Bruges, Brussels, Louvain, Huy, Liège, Cologne, Frankfort-on-Main,

<sup>1</sup> Protection given by a noble or rich man to a poorer, for services to be rendered, and assessments paid by the latter.

<sup>2</sup> Arnold, vol. i. p. 425; vol. ii. pp. 192, 193; Moke, vol. ii. p. 69; Lacomblet, vol. ii. p. 245.

<sup>3</sup> Moke, vol. ii. p. 127, says: "L'histoire du 14 siècle n'a rien de plus extraordinaire que la persistance des tisserands et des foulons de Brabant à rêver encore leur cité détruite, comme jadis les Hebreux captifs songeaient à la reconstruction de Jérusalem."

Arnold, vol. i. pp. 352, 366; vol. ii. pp. 297, 396.

Spire, Strasburg, Bâle, Augsburg, Magdeburg, Halle, and all other towns, however named, were witnesses of the changing fortune of their contests. Towards the end of the fourteenth century the victory was almost everywhere on the side of the Craft-Gilds.

Fierce<sup>1</sup> as the civil war had been, the people were moderate and generous in their victory<sup>2</sup>. Their idea was that of equality of political rights and of justice. Notwithstanding their hatred against their tyrants, the multitude did not wish violence to put its stamp on their laws; they did not wish to oppress those who for former merits might have a right to participate in the government of the towns, and who by education were their superiors<sup>3</sup>. Mixed governing bodies were formed, consisting of patricians and craftsmen; and often even a majority of one vote was left to the former<sup>4</sup>. In some places, it is true, the craftsmen compelled the patricians to enter their fraternities if they wished to take part in the government of the towns<sup>5</sup>; but even then the great soon got such paramount influence, that new laws had to provide that the "small folk" should form half of the council of the Craft-Gild<sup>6</sup>. The craftsmen did not, however, in the long run remain at the head of the town; but the political equality which their efforts had obtained was maintained in principle; the old Gild constitution was replaced by that of the "commune."

In England the same change of the town constitution went on at the same time. The ordinance of the London citizens in Edward the Second's time, that no person, whether an inhabitant of the City or otherwise, should be admitted to the freedom of the City unless he were a member of one of the trades or mysteries<sup>7</sup>, shows clearly the preponderance of the craftsmen. But the completion of their triumph may be seen by the account, that "In the 49th Edward III. an enactment passed the whole assembled commonality of the City, by which the right of election of all City dignitaries and officers, including members of parliament, was transferred from the ward-representatives to the trading-com-

<sup>1</sup> Thus, for instance, at Magdeburg in the year 1301 ten aldermen of the Craft-Gilds were burnt alive in the market-place. After the Cologne weavers had lost, in 1371, the "Weavers' Battle" against the ruling families, thirty-three weavers were executed on November 21, 1371; on the day after also houses, churches, and monasteries were searched; all who were found were murdered; lastly, 1800 of them were exiled, with their wives and children, and their hall, "a palace," was demolished. The exiled found a reception at Aix-la-Chapelle, where they helped considerably to raise their trade. Further examples could easily be enumerated.

<sup>2</sup> Compare the generous treatment of the South by the North after the close of the late civil war in the United States.

<sup>3</sup> See Arnold, vol. II. p. 191.

<sup>4</sup> Moke, vol. II. p. 131.

<sup>5</sup> See Moke, vol. II. p. 80. The same happened at Cologne.

<sup>6</sup> See Moke, vol. II. p. 159.

<sup>7</sup> Herbert, vol. I. p. 27.

*panies*<sup>1</sup>." In the year following, the number of the companies which took part in this election was increased from thirty-two to forty-eight<sup>2</sup>. Nevertheless here also the power remained ultimately in the hands of the old burghers. When, after the ordinance under Edward II., all citizens of London were obliged to belong to the Trade-Gilds, the old burghers probably entered, as in a similar case the old ruling families of Cologne did<sup>3</sup>, into some of the better Trade-Gilds, from which in later days sprang the so-called twelve great companies; and they pursued under new shapes their old political and industrial interests. Already, towards the end of the reign of Edward III., the separation of these richer companies from the poorer ones may be observed. They gained paramount influence in the Common Council; and from this time dates the still-existing custom of choosing the Mayor of London exclusively from them<sup>4</sup>. The Grocers—merchants who, according to Herbert<sup>5</sup>, received their name from the engrossing (buying up wholesale) "all manner of merchandize vendible"—were particularly powerful. Not less than sixteen aldermen belonged to their Gild, and in 1385 they carried the election of Sir Nicholas Brembre as Mayor for two successive years against the rest of the citizens<sup>6</sup>. As regards industry, the rule remained however for centuries, as will be shown further on, to the principle of small capital (see pp. cxxiii, cxxiv).

In the time of King Henry VI. the victory of the crafts was general in England; for about that time the kings, as Madox<sup>7</sup> tells us, began generally to recognize the constitution and liberties of towns in other terms than by confirming their Gilds. "They granted to the men of a town or burgh that they should be a *communitas perpetua et corporata*, a corporate and perpetual community." The Craft-Gilds, whose rise the old city authorities had endeavoured till now also here to suppress, obtained the victory<sup>8</sup> about the same time as their brethren on the Continent did. A more detailed account of the transition is wanting. Nevertheless in England there is nothing to be found of the severe struggles of the German and Belgian companies against the patriciate. The latter never attained a similar development on British soil; probably because, as has been stated, the rich did not obtain a similar independent dominion in the towns, which were less independent of the sovereign; and because

<sup>1</sup> Quoted by Herbert, vol. i. p. 32, from Norton's *Commentaries on London*.

<sup>2</sup> Herbert, vol. i. p. 33.

<sup>3</sup> See Wilda, p. 259.

<sup>4</sup> Herbert, vol. i. p. 36 sqq.

<sup>5</sup> Ib. p. 29.

<sup>6</sup> Ib. pp. 38, 39.

<sup>7</sup> *Firma Burgi*, p. 27.

<sup>8</sup> See Delpit, *Collection générale des documents français qui se trouvent en Angleterre*, tom. i. p. lxx. Paris, 1847.

there is not in the English aristocracy in general that caste-like seclusion which characterizes the Continental nobility. Greater freedom of the lower classes, as well as the gradual formation of political institutions according to the relative amount of the social power of different classes, which is so characteristic of England, perhaps contributed in this case too—as under similar circumstances of later times—to ward off a bloody revolution.

In the Danish towns also no real exclusive rule of special families seems to have sprung from the Gilds. The towns in Denmark were smaller, and therefore the Gild did not appear, in proportion to the entire population, as a close circle of families. Commerce was there of less importance, and so no very great difference arose between merchants and craftsmen in point of fortune. To this must be added the less independence of the towns in general as already mentioned. For these reasons also the Gild existed in Denmark until the time of the Reformation, which shook vehemently the whole system of Gilds, and wrought the fall of most of them, on account of their connection with the Roman Catholic service. At a later period, it is true, Gilds were carried on or re-established in Flensburg, Copenhagen, and other places. But after the political as well as the religious objects of the Gilds had disappeared, there remained of their old essence nothing but social purposes. Shooting at the popinjay was an old exercise handed down from the glorious times of the burghers, when they combated kings and made them responsible for wrongs committed on Gild-brothers. This became now their chief object. The old St. Canute-Gilds changed everywhere into Archer-Gilds; kings sometimes became members of them; and the degenerated descendants of the Hezlagh of Sleswig, instead of, like their forefathers, defending their old liberties and privileges against sovereigns with the bow, shot in common with them at the popinjay<sup>1</sup>.

In Germany too these Gilds, where they went on, and sometimes—as the House Limpurg in Frankfort-on-Main—still exist, sank into the same political insignificance; and the only advantage which the Gild now affords is the right of receiving assistance from its funds in certain emergencies of life.

<sup>1</sup> Wilda, pp. 156 sqq., 161 sqq., 283 sqq.

## IV. THE CRAFT-GILDS.

THE origin of the Craft-Gilds—which everywhere in the fourteenth and fifteenth century, as has just been shown, either snatched the government of the towns from the hands of the Oldburgher Gilds, or at least obtained a share in it by the side of those Gilds—has been the subject of considerable controversy. In spite of the absolutely independent origin and development of the handicrafts in the Germanic states of the Middle Ages, and in spite of their character being entirely different to that of the Romans, some authors, finding in the Roman *collegia opificum* institutions which may in some degree be compared to the Craft-Gilds, have derived from them the unions of the handicraftsmen that sprung up with the handicrafts. But this view needs rather to be proved historically by its adherents, than to be refuted by its opponents. It would be much more probable that the Craft-Gilds descended from the companies into which, in episcopal and royal towns, the bond-handicraftsmen of the same trade were ranged under the superintendence of an official, or that they took their origin from a common subjection to police control or from common obligations to pay certain imposts. But even these views deserve no further consideration after Wilda's striking refutation. "The Craft-Gilds," as Wilda says, "did not spring from subjection and dependence; they originated in the freedom of the handicraft-class<sup>1</sup>."

The population of the towns, at least of those on the Continent, consisted, as late as the eleventh century, of officials, old freemen, and bondmen<sup>2</sup>. To the last belonged the greater part of the handicraftsmen, who, obliged to pay certain taxes and to perform certain feudal services and labours for their lords, were subjected to officers appointed by them. But besides, there were free handicraftsmen, who in earlier times probably belonged to the body of the full citizens; for the expulsion of craftsmen as

<sup>1</sup> Wilda, p. 307. Compare also Arnold, vol. i. pp. 250-258.

<sup>2</sup> See Additional Notes, No. 3.

such from the full-citizens' Gilds, took place only at a later period of their development, as has been already stated in Part III. As long as one part of the handicraftsmen remained in the organized state of bondage just described, whilst the other part belonged to the full-citizens' Gilds, there was neither want nor room for a further free organization of that class, similar to that of the later Craft-Gilds. The former stood, in all trade matters, entirely under the orders of the lords of the town, whether these were bishops, burgraves, or citizens; and as to legal protection, they were their clients. But the handicraftsmen who were full-citizens received from the full-citizens' Gild on the one hand legal protection, and on the other hand by far greater advantages in matters of trade than even from the later Craft-Gilds; for as full-citizens<sup>1</sup>, these handicraftsmen enjoyed perfect freedom of trade in the towns, whilst the foreign handicraftsmen, and those who were not full-citizens, had to buy from the lords of the town the right of carrying on trade, and had to purchase, by various burdens and imposts, the privilege of using the market-halls and other institutions established for buying and selling.

After the free handicraftsmen had been expelled from the full-citizens' Gilds, their relation to the old-burghers was similar to that of the ancient freemen at the time when they confederated into Gilds for protection against the aggressions of the great. On the one hand, the citizens endeavoured to suppress the handicraftsmen into a kind of subjection, and on the other, as, after the expulsion of the royal and episcopal officers, they had the police in market and trade matters in their hands, it was in their power to take measures injurious to the craftsmen. The old-burghers must have felt a great temptation to subject the handicraftsmen, sprung from the free families, to the same imposts as those paid by the bondmen. The right also to allow foreigners, on payment of entrance fees, to carry on trade, could not but endanger the interests of the native craftsmen. Just as in earlier times the maintenance of the personal liberty and the preservation of the small freeholds of the old freemen were concerned, so the question was now to protect the independence of the craftsmen and their earnings, which depended on their stock

<sup>1</sup> Wilda, p. 302. Legal advice of the sheriffs of Magdeburg, in the beginning of the thirteenth century, to Duke Henry the Bearded, for his town Goldberg: "Noveritis vestre nobilitatis benignitas, quod quilibet burgensis, cuius propriam habens domum vel arcam quarumcunque rerum venalitatem habuerit, eas in domo propria libere vendere potest aut pro aliis rebus commutari. De domo quoque, quam ad augmentandum censum vestrum in communi foro frequentari et per singulas mansiunculas inhabitari statutis, sciro debetis indubitanter, quod si dominus noster Archiepiscopus hoc in nostra civitate attemptaret penitus deficeret."

and labour. Isolated, they must have succumbed to the difficulty of their circumstances; hence these of necessity called forth the same free organization of free craftsmen, as that of the old freemen in earlier times. The constitution of the old Gilds evidently served as the model of the Craft-Gilds, and it appears to have been altered only in so far as a change was rendered necessary by the peculiar wants of the craftsmen which made them confederate into Gilds, namely, protection of the industry of the freemen.

2  
Cloth  
Foremost amongst the free handicraftsmen were the Weavers. They formed a kind of middle class between the patricians and the bond craftsmen. The fact that whilst the other crafts worked to supply mere local demands, the Weavers' manufactures found markets in the most distant countries, naturally invested them with greater importance. They were distinguished above all others by wealth, self-respect, and a sense of freedom. Their unions enjoyed of old the greatest independence. In all towns they stood at the head of the craftsmen; and the contests of the handicraft class with the patricians for political emancipation, and its victories, were, above all, the struggles and victories of the Weavers<sup>1</sup>.

Accordingly, in all the manufacturing countries of that time, in England, Flanders and Brabant, as well as in the Rhenish towns, the most ancient Gilds were those of the Weavers. The Gild of the London Weavers was chartered by Henry I.<sup>2</sup>, and so was that of the Oxford Weavers. In the reign of Henry II. Weavers' Gilds, confirmed by the king, existed at Nottingham, York, Huntingdon, Lincoln, and Winchester<sup>3</sup>. In Germany the Wool-weavers' Gild of Cologne arose as early as the eleventh century<sup>4</sup>. And in like manner the oldest German charter<sup>5</sup> referring undoubtedly to a Craft-Gild<sup>6</sup> is that of a Cologne Weavers' Gild. In the year 1149 the *textores culcitrarum pulvinarium* (weavers of pillowcases) formed a fraternity with the consent of the judges, sheriffs, and aldermen; and thenceforth all who wished to carry on the trade within the town were obliged to join the fraternity and to submit to its rules. The record proves that a union of these handicraftsmen had existed long before the year 1149, and

<sup>1</sup> Arnold, vol. ii. p. 208, and Moke, vol. ii. *passim*.

<sup>2</sup> Delpit, vol. i. p. lxxxiii.

<sup>4</sup> Arnold, vol. i. p. 254.

<sup>3</sup> Lacomblet, vol. i. p. 251. See below (p. cxix, note 1).

<sup>6</sup> The record of the appointment of twenty-three men as fishers at Worms by Bishop Adalbert *circa annum 1106* (Schannat in *Cod. Probat. Hist. Wormat.* Num. ii. p. 62), seems to speak rather of the creation of one of those companies among bond-handicraftsmen, mentioned in the text, than of a free-Craft-Gild. It is utterly unlike the manner in which all other Craft-Gilds have been chartered.

<sup>5</sup> Wilda, p. 314.

that it was merely confirmed in the said year. At Spire the Gild of the Wool-weavers existed at the beginning of the twelfth century. At Mayence the Weavers are mentioned as early as 1099; at Worms in 1114. At Frankfort-on-Main also, wool-weaving ranked first among the crafts<sup>1</sup>. It was, however, in the first manufacturing country of the Middle Ages, in Flanders and Brabant, that the influence of the Wool-weavers' Gild was the most prominent: it appears there as almost the sole leader in all the revolutions of the handicraft class. And when we consider the early flourishing state of the Belgian woollen manufactures—for as early as the first century the clothes of coarse wool woven in Belgium found a greedy market in Rome<sup>2</sup>; also, that the necessity of defending their coasts against the inroads of the sea and of pirates<sup>3</sup> always kept most keenly alive in the minds of the people the fundamental idea of all Gilds, the brotherly solidarity and community of interests; lastly, the bold spirit of independence which led even serfs here to confederate into Gilds<sup>4</sup>,—we may infer that here, among these extremely industrious and stubborn weavers of Flanders and Brabant, did the first Craft-Gild originate.

Although the Craft-Gilds arose first among the most eminent of the handicraft class, among those who were free,—just as in earlier times the most ancient Gilds originated among the old freemen, and later on the Trade-Unions among the best situated working men and ci-devant small masters,—to stop the deterioration of their condition and encroachments on their rights and interests, yet this new organization was also soon made use of by the lower members of their class as a means of elevation. With the liberation of the bond handicraftsmen from bondage proper, many of the companies into which they had been ranged passed gradually over into the number of free Craft-Gilds. The latter appear, therefore, everywhere in greater number about the time when the last traces of bondage disappear. Craft-Gilds of this kind, when obtaining their privileges, were frequently put under obligation to pay certain fixed imposts in return for their greater independence in labour and trade, and for the remission of the fines on inheriting property<sup>5</sup>, to which their

<sup>1</sup> Arnold, vol. i. p. 254, &c.

<sup>2</sup> Moke, vol. i. p. 58.

<sup>3</sup> Ibid. p. 51.

<sup>4</sup> See Part I. of this Essay, pp. lxxvi, lxxviii, lxxix.

<sup>5</sup> I find in the *Vita Gebhardi Episcopi Constantiniensis* (Tertii, *Scriptores*, vol. x. p. 588, lines 32-59): "Post hinc convocatis servis suis elegit ex eis optimos quosque, et constituit ex eis coquos et pistores, caupones et fullones, sutores et bortulanos, carpentarios et singularum artium magistros, et constituit eis, ut eo die, quo fratribus deservirint, de annona quoque fratrum in patre reficerentur, quia dignus est operarius cibo suo. Ut autem bono animo suis ministrarentur dominis, huiusmodi donario ipsoe cumulavit, scilicet ut cum quibz presentium vel

episcopal or lay lords were entitled, as well as for other matters. And in proportion to the degree of independence which they obtained according to circumstances, these imposts were greater or smaller. Such, for instance, was the case at Bâle, Constance, &c. Everywhere, however, these societies were changed after the model of the Gilds of those farther advanced craftsmen which have been spoken of. The latter impregnated them with an altogether different spirit and a new life. A similar process may have taken place, in certain cases<sup>1</sup>, in fraternities originally religious, which, after the origin of Craft-Gilds, framed trade regulations after the latter's example, and—as in later times certain friendly societies changed into Trade-Unions—so gradually transformed themselves into Craft-Gilds. The time of the origin of Craft-Gilds in general may be said to extend from the beginning of the eleventh to the middle of the thirteenth century<sup>2</sup>. The origin of certain Craft-Gilds depended of course on the gradual rise of the various trades in a town.

The organization of the free craftsmen into Gilds, we thus see, was called forth by their want of protection against the abuse of power on the part of the lords of the town, who tried to reduce the free to the dependence of the unfree, and, by imposts and otherwise, to encroach on the freemen's earnings. Being organized, the Craft-Gildmen provided for the maintenance of the customs of their Craft, framed further ordinances for its regulation, saw these ordinances properly executed, and punished the Gild brothers who infringed them. The maintenance of their independence against the city authorities, and the possibility of carrying out and making efficient their trade-rules, depended, however, on the condition that all who carried on the trade should belong to the Gild. And though the first Gilds, at their formation, included doubtless all men of the trade, yet in course of time some one or more craftsmen must have turned up, who, unwilling to submit to the rules framed for insuring good work and for protecting the interests of the trade, would carry on his trade without belonging to the Gild. It was impossible either to check this, and prevent detriment arising from it, or to enforce their

corum successorum, qui de progenie illorum esset, moreretur, exuviae de eo non sumerentur, sed haeredes relictam hereditatem indivisam possiderent; si vero de alia progenie aliquis accessisset, ab hoc donativo alienus exstisset." For the bond-haadicraftsmen in towns and their societies, see Additional Notes, No. 3.

<sup>1</sup> Perhaps the many religious regulations, and the many relations to the cathedral, of some of the Gilds at Bâle (compare, for instance, Berlepsch, vol. ii. pp. 18, 19), as well as of the Fullers at Lincoln (compare Mr. T. Smith's collection, p. 179), refer to such a process, though it seems rather doubtful to me. But see also Mr. Ludlow in the *Fortnightly Review*, October, 1869, p. 393.

<sup>2</sup> Compare Arnold, i. c.

regulation of the trade in a legitimate manner, unless the Gild had been previously acknowledged by the lord of the town or the body of citizens. And thus, though the Craft-Gilds as voluntary societies did not need confirmation by the authorities at their birth, yet this confirmation became afterwards of the greatest importance when these Gilds wanted to be recognized as special and independent associations, which were thenceforth to regulate the trade instead of the authorities of the town. This once obtained, all further protective measures would follow as a matter of course.

This transfer of all trade concerns to the management and jurisdiction of the Craft-Gild was generally accomplished by a confirmation of their ordinance, that every one carrying on the trade within the town or a certain district, should join and belong to the Gild<sup>1</sup>. And in return for this privilege the Gild was yearly to pay certain taxes<sup>2</sup>. In London these taxes went to the king. Thus, under Henry I. (A.D. 1100-33) and every succeeding king, the London Weavers paid to the crown a rent or ferme for their Gild; and Madox<sup>3</sup> enumerates eighteen Gilds which, under Henry II. (A.D. 1154-89), were amerced as adulterine, for neglecting to pay this tax. But as, in consequence of these privileges of the Craft-Gilds, the citizens no longer enjoyed undivided sway in the towns, they showed themselves everywhere extremely jealous of the jurisdiction which had thus sprung up in their midst, to their own detriment. They therefore opposed with all their might the establishment of Craft-Gilds; and the whole history of these Gilds, till they obtained the mastery in the fourteenth and fifteenth centuries, appears as nothing else than one continual struggle of the handcraftsmen with the town for these privileges. The Norman kings however, equally ready to make the most of both these clashing interests

<sup>1</sup> *Lacomblet*, vol. i. p. 251. Record of the confirmation of the Gild of the *textores calcitrarum pulvinarium* at Cologne in 1149: "fraternitatem . . . confirmatam suscepisse, hac videlicet ratione, ut onnes textorici operis cultores (scilicet calcitrarum pulvinarium), qui infra urbis ambitum continentur, sive indigeno sive alienigeno huic fraternitati quo *jure a supra memorata fratribus coastalis disposita sponte* subiiciantur. Ei vero aliquae eremitarum obviantes et subire non coacti nolentes, judicaria severitate reffrenati, cum rerum surarum detimento, subire et obsecundari tandem compellantur." For the London Weavers see note 1, p. cxx. In the charter of the Oxford Weavers in Madox's *History of the Exch.* vol. i. p. 239. we read: "nemo operaretur de ministerio eorum infra quinque leucatas circa Burgum Oxonie." See also below, p. cxxi, note 7, the charter of the Magdeburg Shoemakers. That this ordinance merely enforced a custom which already existed in the craft before the confirmation, may be seen there in the passage beginning, "Cum enim jus et distinctio, quo inter eos est," etc.; as well as in the passage in Italicis in this note.

<sup>2</sup> Compare also, below, the charter of the Magdeburg Shoemakers, p. cxxi, note 7.

<sup>3</sup> *History of the Exch.* vol. i. pp. 390, 391.

for the benefit of their exchequer, seem to have put up to auction the confirmation and the suppression of these Gilds.

The contest of the Weavers with the City of London furnishes us with a very striking example of this struggle between the rising Craft-Gilds and the body of the old citizens. The Weavers had obtained from Henry I. the privilege that "nobody, except by them (i. e. by becoming a member of their Gild), shall introduce himself, within the City, into their mystery, and nobody within Southwark or other places belonging to London, except he be a member of their Gild<sup>1</sup>;" and these privileges were confirmed to them by Henry II. Exemption from the jurisdiction of the City excited the jealousy of the citizens to such a degree, that the Weavers' Gild had to maintain the most violent struggles with them for its privileges and property. King John had to promise the citizens, in answer to their prayer, "that the Gild of Weavers shall not from henceforth be in the City of London, neither shall be at all maintained;" but as the Gild had been accustomed to pay the king eighteen marks per annum, the citizens "should pay twenty marks in money for a gift" instead. It appears, however, that this suppression of the Craft-Gilds was as ineffective here as in the like case in Belgium and Germany; for as early as the sixth year of Henry III. (A.D. 1221-22) we find the Weavers and the City again at strife; and "the Weavers of London," as Madox relates, "fearing lest the mayor and citizens of London should extort from them their charter and liberties granted to them by King Henry II., delivered that charter into the Exchequer, to be kept in the treasury there, and to be delivered to them again when they should want it, and afterwards to be laid up in the treasury." Even in the fourteenth year of Edward II. (A.D. 1320-1) the privileges of the Weavers remained still a point of contention between them and the town; but in this case it was before a court of justice. On occasion, as it appears, of a complaint for transgression and abuse of their privileges, the Weavers had to prove their right to have a Gild, as well as the legality of every single ordinance framed by them for the regulation of their trade. Their privileges could not, however, be impugned as a whole, but several regulations were pointed out which had crept in after the grant of their charter<sup>2</sup>. Among the documents contained in Mr. Toulmin Smith's collection, those referring to the Tailors' Gild at Exeter

<sup>1</sup> Madox, *Firma Burgi*, p. 286: "nullus nisi per illos se intromittat infra civitatem de eorum ministerio et nisi sit in eorum Gilda neque in Sudwore neque in aliis locis Londoniae pertinentibus." The words "ministerium" or "officium" were used in medieval Latin for mystery, trade, craft-gild.

<sup>2</sup> Compare Madox, *Firma Burgi*, p. 192, &c.; Herbert, vol. i. pp. 17, 24.

showeven in the fifteenth century the existence of the same struggle between this Gild and the authorities of the town<sup>1</sup>. Sometimes, as in the case of the Bakers' Gild at Bâle, these conflicts, which the new organization of the handicraftsmen called forth between their wardens and the police authorities of the towns, were the chief cause of fixing the rights of the Craft-Gild in a charter<sup>2</sup>.

To the complete independence of the Craft-Gilds, it was indispensable that they should have the right of freely electing a warden for regulating their trade and for managing the Gild. In England this freedom was never restricted; at least, I know nothing to the contrary from the accounts of English Craft-Gilds<sup>3</sup>. But on the Continent the right of appointing the warden of a Craft-Gild varied according to the nature of the origin of the Gild, or the degree of independence which the particular handicraft enjoyed at the time when its Gild was recognized. Thus the Craft-Gilds which the free handicraftsmen formed amongst themselves possessed, of old, absolute independence in the election of their warden, as, for instance, the Weavers' Gild at Cologne<sup>4</sup>, and the Craft-Gilds in Flanders<sup>5</sup>. At Bâle, on the contrary, where the Craft-Gilds sprang from the companies of bondmen above-mentioned (p. cxiv), the bishop appointed the warden, according to the oldest charters, and in the probably less important trades (*Spinnwollern* and Butchers, 1248); whilst in 1260 the Tailors (who were at the same time cloth-merchants) elected their own warden<sup>6</sup>. In 1157 Archbishop Wichmann of Magdeburg had, from truly generous motives, granted to the Shoemakers the right of free election of their warden. This instance was, however, probably as unique, as the disposition was rare<sup>7</sup>. In Paris, the provost in the thirteenth century appointed

<sup>1</sup> Mr. Toulmin Smith's collection, pp. 299-316. <sup>2</sup> Compare Wilda, p. 310.

<sup>3</sup> The governor, however, of the fraternity of the Porters in London, constituted in 1646, is always an alderman, whose appointment is vested in the Court of Aldermen. (Allen's *History and Antiquities of London*, vol. ii. p. 412.)

<sup>4</sup> Lacomblet, vol. ii. p. 250. Award of arbitration between the archbishop and the town of Cologne, &c., 1258: "Quod ab antiquo consuetudine fratres statim eligunt sibi quodam, qui magistri frataternitatum dicuntur, per quos insolentes frataternitatum compescuntur," &c. <sup>5</sup> Moke, vol. ii. p. 93.

<sup>6</sup> Berlepsch, *Chronik der Gewerke*, St. Gall (no date), vol. ix. p. 19, vol. v. p. 18, vol. ii. p. 18.

<sup>7</sup> The charter runs thus: "In omnibus actibus nostris, in quibus aliquid de honore et utilitate Magdeburgensis ecclesie agere studuimus, libertatem matrem actionis nostro esse volumus, ut, cum honor et utilitas in disputatione nostra afferatur, libertas suprema semper existaret, quia honor et utilitas sine libertate vilia servitus estimatur. Notum itaque esse volumus universa tam futura quam presentibus, quod officia civitatis nostro magna sive parva, quolibet in suo honore secundum jus suum integrum esse volentes, jus et magisterium eorum ita consistere volumus, ut nullus magistratus super eos habeat, nisi quem ipsi ex communione consensu magistrum sibi eligerint. Cum enim jus et distinctio, que inter

and deposed, as he pleased, the wardens of the *Cordiers* (rope-makers), and the *Poulaillers* (poulterers); but the *Étuvistes* (bath-keepers) elected freely and independently three *preud'hommes* for regulating their trade<sup>1</sup>. Free election then became the rule in all trades, till Charles IV. of France (1321–1328) deprived the Parisian craftsmen of the right of freely electing their wardens<sup>2</sup>. Charles VI. in the year 1408, whilst confirming the statutes of a Craft-Gild, actually appointed one of his valets to the wardenship<sup>3</sup>. In other countries, even in the thirteenth century, it became the rule for Craft-Gilds to elect their wardens themselves; and it was only during the contests between the crafts and the hereditary ruling families in the German and Belgian towns that the craftsmen had to acquiesce in the appointment of their wardens by the patricians. But this of course changed at once with the triumph of the handcraftsmen.

This triumph, as has been shown in Part III., was won everywhere in the fourteenth and fifteenth centuries, though sooner or later, according to circumstances. In London the Craft-Gilds appear in full possession of the mastery in the reign of Edward III. The privileges which they had till then exercised only on sufferance, or on payment of their fermes, were now for the first time generally confirmed to them by charter by Edward III.; the authorities of the City of London, who had in former times contended with all their might against the Craft-Gilds, now approved of their statutes; and in the fourteenth century a large majority of the trades appeared before the mayor and aldermen to get their ordinances enrolled. At the same time they adopted a particular livery, and were hence called Livery Companies. Edward III. himself actually became a member of one of them, that of the Linen-armourers, and his example found numerous imitators amongst his successors and the nobility of the kingdom<sup>4</sup>.

*eos est, eos, qui eo jure participare non debent, ita excludat. quod opus operatum alienigene infra jus communis fori vendere non debeant, constituimus, ne alienigene opus suum operatum ad forum non deferant, nisi cum omnium eorum voluntate, qui jure illo quod Inninge appellatur, participes existunt. Itaque ad recognoscendum se annuatim Magdeburgensi archiepiscopo duo talenta solvent, que magister eorum presentabit, prout archiepiscopus mandavit, &c.* (Berlepsch, vol. v. p. 30.)

<sup>1</sup> Quin-Lacroix, *Histoire des Anciennes Corporations d'Arts et Métiers, &c. de la Capitale de la Normandie*, Rouen, 1850; *Statuts des Cordiers de Paris*, art. 10, (p. 738); *Statuts des Poulaillers de Paris*, Art. II (p. 747); *Statuts des Étuvistes de Paris*, art. 5 (p. 739).

<sup>2</sup> Wilda, p. 324.

<sup>3</sup> Quin-Lacroix, p. 734—*Statuts des Barbiers de Tours en 1408*, art. 1: “*Notre premier barbier et varlet de chambre est et sera garde du dict mestier, auquel tous devront obéir.*”

<sup>4</sup> Compare Herbert, vol. i. pp. 28, 29; Delpit, p. lxxx, and the numerous ratifications of ordinances by the City authorities from 1344–1418 in Riley's *Memorials*.

Though political power, as has been already stated, did not continue everywhere in the hands of the handicraftsmen, they yet retained everywhere the independent government and jurisdiction over their trade; and everywhere the fundamental principle of their trade-policy prevailed, namely, the protection to live freely and independently on an industry based on small capital and labour. This was shown in England by the Act 37 Edward III. c. 5 (A. D. 1363). In the nineteenth year of Edward III. (A. D. 1345), a part of the Pepperers had separated themselves from their old Gild and had formed a society of their own. The account<sup>1</sup> of what took place at the formation of this society,—how “twenty-two persons, carrying on the business of Pepperers, agree to meet together at a dinner” (for defraying the expense of which each had to pay twelve pence), “and commit the particulars of their formation into a trading society to writing,” and then immediately after the meal elect their warden, and decide on their periodical contributions,—shows great similarity with the proceedings at the formation of modern working-men’s associations; as, for instance, those of the Bookbinders’ Trade Society, according to Dunning’s excellent account<sup>2</sup>. But these twenty-two Pepperers—altogether unlike their Bookbinder imitators—were the richest of their trade<sup>3</sup>, and had probably belonged formerly to the old-citizen class, and had, like all citizens under Edward II., been obliged to join a Trade-Gild. Well, these seceding Pepperers now formed themselves into a separate society, exercised still *de facto* the freedom of trade which had formerly belonged to them as full citizens, and thus threatened to crush, by their riches, the numerous other Trade-Gilds. At least a petition brought against them in the 36th Edward III. complains “that great mischiefs had newly arisen, as well to the king as to the great men and commons, from the merchants called Grocers (grossers), who engrossed all manner of merchandize vendible, and who suddenly raised the prices of such merchandize within the realm; putting to sale by covin, and by ordinances made amongst themselves, in their own society, which they call ‘the Fraternity and Gild of Merchants,’ such merchandizes as were most dear, and keeping in stores the others until times of dearth and scarcity.” In consequence of this, the Act 37th Edward III. c. 5 decreed “that all artificers and people of mysteries shall each choose his own

<sup>1</sup> See the detailed account of the proceedings in Herbert, vol. I. pp. 43-45, also pp. 304-308.

<sup>2</sup> *Trades’ Societies and Strikes. Report of the Committee on Trades’ Societies appointed by the Social Science Association.* p. 93, &c. London, 1860.

<sup>3</sup> Compare Herbert, vol. I. pp. 304-308.

mystery before the next Candlemass; and that having so chosen it, he shall henceforth use no other<sup>1</sup>.” This was a legal recognition of the principle of the trade-policy of the craftsmen, namely, that provision should be made to enable every one, with a small capital and his labour, to earn his daily bread in his trade freely and independently, in opposition to the principle of the rich, “ freedom of trade.” In like manner this principle became prevalent in all the Craft-Gilds on the Continent, and we find it formulated with special clearness in the Emperor Sigismund’s extremely original “ Secular Reformation ” of 1434<sup>2</sup>.

This period of development of the Craft-Gilds was followed by a further extension of them in the beginning of the fourteenth century, and soon afterwards by their degeneration. But before I enter upon this question, and upon the abuses which undisputed possession of their privileges and the full sway in all trade matters produced in them, I wish to speak more fully of the constitution of the Craft-Gilds during the first stage of their growth<sup>3</sup>. This constitution was but the perfect expression of the wants which called forth the Craft-Gilds, and of the task which they had to perform. Their fundamental principle was the same as that of the Frith-Gilds, that is, of those artificial unions which sprang up to replace the natural family compact, and to secure the protection which the latter afforded to their members in former times (see Part I.). The Craft-Gilds themselves first sprang up amongst the free craftsmen, when they were excluded from the fraternities which had taken the place of the family unions, and later among the bondmen, when they ceased to belong to the *familia* of their lord. Like those Frith-Gilds, the object of the early Craft-Gilds was to create relations as if among brothers; and above all things, to grant to their members that assistance which the member of a family

<sup>1</sup> Herbert, vol. i. pp. 29, 30.

<sup>2</sup> Goldasti, *Constitutiones Imperiales*, tom. iv. p. 189, Francof. 1713. After much complaining “ that one person carries on more trades than belong to him,” it is said in cap. v., “ Will you hear however what is ordained by Imperial law! Our forefathers have not been fools. The crafts have been devised for this purpose, that everybody by them should earn his daily bread, and nobody shall interfere with the craft of another. By this the world gets rid of its misery, and every one may find his livelihood. If there be one who is a wineman, he shall have to do with this (i. e. the wine trade), and shall not practise another thing besides. Is he a bread-baker, the same, &c., no craft excepted. And it is to be prevented on Imperial command, and to be fined with forty marks of gold, where it is heard that the Imperial towns do not attend to this, that nobody of any trade whatever shall interfere with the craft of another,” &c. Compare also cap. viii.

<sup>3</sup> For the sake of completeness, and to avoid repetitions, I have sometimes also availed myself in the following statements of Gild-Statutes of the fourteenth century, except as to such points of course in which the degeneration had already begun in the fourteenth century.

might expect from that family. As men's wants had become different, this assistance no longer concerned the protection of life, limbs, and property, for this was provided for by the Frith-Gilds, now recognized as the legitimate authority; but the principal object of the Craft-Gilds was to secure their members in the independent, unimpaired, and regular earning of their daily bread by means of their craft. When then the Craft-Gilds, like the earlier Gilds for the maintenance of justice (Part I. pp. lxxiv, lxxv), were legally recognized, and were brought into the State organism as special associations for the regulation of their trade, a new fundamental element, namely, their quality as a police authority, was added to the element common to all Gilds.

Both these elements are to be found in the Craft-Gilds of all countries; indeed, in all they attained a development so similar, even in details, that whosoever knows the Gild-Statutes of one country, knows those of all. Only in certain concrete regulations do we find deviations which I will point out in the course of this treatise<sup>1</sup>.

The very soul of the Craft-Gild was its meetings, which brought all the Gild-brothers together every week or quarter. These meetings were always held with certain ceremonies, for the sake of greater solemnity. The box, having several locks like that of the Trade-Unions, and containing the charters of the Gild, the statutes, the money, and other valuable articles, was opened on such occasions, and all present had to uncover their heads. These meetings possessed all the rights which they themselves had not chosen to delegate. They elected the Presidents (originally called Aldermen, afterwards Masters and Wardens) and other officials, except in those cases already mentioned, in which the master was appointed by the king, the bishop, or the authorities of the town. As a rule, the Gilds were free to choose their masters, either from their own members, or from men of higher rank, though they were sometimes limited in their choice to the former<sup>2</sup>. Did the election fall on a member who would not accept it, he was subjected to fines. Of a council,

<sup>1</sup> In order not to have to cite repeatedly the same sources for every individual statement, I refer here in general to Herbert, vol. I. pp. 40-102; also to the Ordinances in Riley's *Memorials*, and to Mr. Toulmin Smith's collection, especially to pp. 179, 182, 184, 208, 284, 312, 331, 334. Further, to the Gild-Statutes contained in Berlepsch, vol. ii.-ix, and to the rich collection of Oein-Lacroix; also to Ortloff, *Das Recht der Handwerker*, Erlangen, 1818, to Schönberg's article in Hildebrand's *Jahrbücher für Nationalökonomie und Statistik*, vol. ix. pp. 1 &c., 97 &c., as well as to Hunter's *History of Sheffield*, p. 119, London, 1819.

<sup>2</sup> There was a contest on that account at Cologne in the year 1258 between the Archbishop and the Craft-Gilds. Lacomblet, vol. ii. p. 247; compare also Wilda, p. 324. See also Mr. T. Smith's collection, p. 205.

which (like that of the Court of Assistants of later times) stood by the side of the masters, we find in early days at most but a trace, in the quorum of members which had to co-operate with the master on various occasions, as, for instance, in the exercise of jurisdiction. In Germany we find something similar in the council of six or eight men of some Gilds at Bâle and Vienna<sup>1</sup> earlier than in England, where we first notice in 1397, in the records of the Grocers, that six persons of that company were chosen to aid the wardens in the discharge of their duties. These cases excepted, assistants are first met with in the sixteenth century. We also find in the Grocers, as early as 1348, four auditors "to superintend the accounts and delivery of the wardens."

The wardens summoned and presided at the meetings, with their consent enacted ordinances for the regulation of the trade, saw these ordinances properly executed, and watched over the maintenance of the customs of the craft. They had the right to examine all manufactures, and a right of search for all unlawful tools and products. They formed, with the assistance of a quorum of Gild-brothers, the highest authority in all the concerns of the Gild. No Gild-member could be arraigned about trade-matters before any other judge. We have still numerous documentary proofs<sup>2</sup> of the severity and justice with which the wardens exercised their juridical duties. Whenever they held a court, it was under special forms and solemnities: thus, for instance, in 1275 the chief warden of the Masons building Strasburg Cathedral held a court sitting under a canopy. The local trades of the towns continued under a certain amount of control by the town authorities even after the Craft-Gilds had obtained power. The elected wardens had to be brought every year before the mayor, and had to swear "faithfully to execute their offices." The mayor also decided disputes between the several Gilds, and could fine and imprison the wardens of companies at his pleasure. The control of the sale of the most necessary provisions, such as bread, meat, drink, and fuel, was the special care of the town authorities, in order to prevent adulteration and overcharges<sup>3</sup>.

The punishments which the Craft-Gilds decreed consisted in the payment of fines, or, in earlier times, of certain quantities of wax, or of beer or wine to be drunk at their feasts. In case

<sup>1</sup> See the Gardeners of Bâle (Wilda, p. 325), the *Spinnwetter* at Bâle 1271 (Berlepsch, vol. ix. p. 20), the Tailors of Vienna 1340 (Berlepsch, vol. ii. p. 226).

<sup>2</sup> Compare, for instance, Mr. T. Smith's collection, p. 321; Herbert, vol. i. p. 47, &c.

<sup>3</sup> Mr. T. Smith's collection—The Office of the Mayor of Bristol, art. 14, 25, 26 27, 28 (pp. 416, 420, &c.); Herbert, vol. i. p. 55, &c.; Arnold, vol. ii. p. 282, &c. Quin-Lacroix, p. 735; Wilda, p. 319; Riley, pp. 156-162, 174, &c.

of more serious offences, such as perjury, persistent disobedience, &c., exclusion from the Gild was the consequence; and this was accompanied with loss of the right to carry on the craft<sup>1</sup>. Princes, churches, and city authorities frequently received a share in the fines, as well as in the entrance-fees and contributions of the members. This was especially the case in France<sup>2</sup>, where permission to carry on a trade had often to be purchased direct from the king. For enforcing payment of entrance-fees, contributions towards paying the fermes (dues), as well as of fines, the Craft-Gilds made use of the very means so much talked of in the case of the Sheffield Trade-Unions, namely, *rattenning*, that is, they took away the tools of their debtors<sup>3</sup>. It is true that they, as their claims were legally recognized, could sell the tools and take what was due to them out of the proceeds, whilst the want of such recognition compelled the Trade-Unions to enforce payment of arrears by hiding and detaining the objects seized upon. This coercive measure existed unchanged even in the seventeenth century<sup>4</sup>; so that this rat-

<sup>1</sup> The *Constitutions of Masonry* published by Mr. Halliwell are very explicit as to the punishment of disobedient members. The 12th *Pointus* says that they shall be taken in charge by the lordis, sheriff, mayor, and knights, &c. present (with the master and other masons) at the assembly where the ordinances are made; and the 15th *Pointus* says that if they will not make amends for their disobedience, they shall be turned out of the craft and not allowed to carry it on, and

"The scherf schal come hem sone to,  
And putte here bodyes yn duppe prison,  
For the trespass that they hau y-don,  
And take here goodes and here cattelle  
Ynto the kynges hond, every delle,  
And lets hem dwelle here ful styllie,  
Tyl hyt be oure lege kynges wylle."

(l. 463-70.)—F. J. F.

<sup>2</sup> For instance, Ouin-Lacroix, p. 746—*Statuts des Poulailliers de Paris* (thirteenth century), art. 1: "Nus ne puet esto poulaillier à Paris, se il n'achato le mestier du roy, et le vent cil quil l'a achaté du roy, à l'un plus à l'autre mains, si comme il semble bon."

<sup>3</sup> Compare Herbert, vol. I. p. 18. "Why the working implements of such of the mystery as were in arrears for their fermes might be distrained by the bailiffs of the Gild, to the amount it was computed they owed, and such distresses sold to pay the same! . . . why on non-payment of a member's share of the king's fermes, his working tools to the amount should be sold, or detained in the custody of the bailiffs; and also that any member offending against the liberties of the Gild, should be adjudged in like manner to have his working implements seized and disposed of! . . . also if any withheld from another of the Gild his proper wages, and would not pay him, the Gild had power by their bailiffs to distrain. . . ."

<sup>4</sup> Compare Herbert, vol. I. pp. 191, 192. "If anie member, of his froward disposition or otherwise, refuse to pay quarterage, penalties, arrearages, or other amerciaments, the master and wardens, with their officers, shall have power at lawful times to enter such member's shop, and distrain the same." The same measures, seizure of tools and closing a member's shop, were also the means of coercion and punishment in the German Craft-Gilds, the so-called "*Handwerkerlegen*" (i. e. stopping of the craft of a member). Compare Pöllitz und Bölaus, *Neue Jahrbücher der Geschichte und Politik*, 1843, vol. I. p. 359. &c.

tening, which called forth such pharisaical indignation from the united employers' press, probably enjoys an uninterrupted descent from employers' associations up to the time of Edward II. But it is even far older. It is the old right of distress of the creditor against the debtor, which occurs in the earliest laws of all German tribes, and was lawfully exercised in Germany up to the sixteenth century<sup>1</sup>.

As the object of the association of craftsmen was the regulation of their trade, it was a necessary condition of the efficient working of their rules, that all who carried on the trade should belong to it. This was a matter of course, when they had been legally recognized as a special authority for lawful purposes. Hence it is altogether wrong to represent the constantly recurring ordinance, that every one carrying on the trade should join the Gild, as a consequence of the monopolistic tendencies of the Craft-Gilds. There was, on the contrary, no question whatever of a monopoly in that time. It was not then as it was at the time of the degeneration of the Craft-Gilds, when, as corporations with a limited number of members, they prohibited all non-members of the Gild from carrying on the trade. On the contrary, every person was at first permitted to carry on the trade, if only he joined and submitted himself to the organism created for the purpose of regulating it, that is, if he entered the Craft-Gild; and then, as a member entitled to vote, he exercised influence on its decisions. The yearly fermes (dues) too, which the craftsmen had to pay for their privileges, sufficiently explain their wish to draw into their society all the men of their trade, in order to secure increased contributions; and when Edward III. granted a special Gild to the Flemish Weavers, the indignation of the London Weavers may be easily understood, as well as their effort to make the Flemish men participate in the payment of their fermes<sup>2</sup>.

The income of the Craft-Gilds consisted of small entrance-fees, of wax for the churches, and of taxes which were levied for special purposes as they occurred; for instance, on the death, impoverishment, pilgrimage, &c. of a member. Regular periodical contributions are only met with at a later stage.

The rules laid down by the Gilds, and to which all men of the trade had to submit, had reference (1) partly to securing the good quality of the work, and (2) partly, like all Gild-Statutes, to the temporal and eternal welfare of their members. Both kinds of

<sup>1</sup> See Walter's *Deutsche Rechtsgeschichte*, Bonn, 1853, § 538, and Bluntschli's *Deutsches Privatrecht*, § 102, No. 3.

<sup>2</sup> Compare Herbert, vol. i. p. 20, note; Madox, *Firma Burgi*, pp. 194, 195.

rules were consequences of the fundamental principle of all Gilds, namely, care for the common interest by means of association. In the first kind, however, the function of the Gild, as a police authority on behalf of the public, possibly prevailed. But even in them the idea was present that by these measures they protected themselves against loss of the honour and good repute of the trade, as well as against loss of custom. The latter motive may be especially attributed to those craftsmen who, like the Weavers, worked for a more extensive market.

Wherever the Craft-Gilds were legally acknowledged, we find foremost, that the right to exercise their craft, and sell their manufactures, depended upon the freedom of their city, a fact which is sufficiently explained by the political tendencies of the Craft-Gilds. It is an exception when we find, as in the case of the Fullers of Lincoln, that strangers also were admitted on payment of special taxes to the Gild. On the Continent, after the fourteenth century, a system of reciprocity was frequently established between the several towns, as for instance in 1365 at Tournay<sup>1</sup>.

No one was admitted to any trade, even to the lowest, or tolerated in it, whose moral conduct and honour were not stainless; no one, also, who had not proved himself a proper workman; and, therefore, no one who had not served a regular apprenticeship. The duration of this apprenticeship differed in various trades. In England it generally lasted seven years, in France from three to four, sometimes six; in Germany from two to four years. The admission of an apprentice was an act of special solemnity, corresponding to the important legal consequences it involved. As it was the beginning of a kind of novitiate to citizenship, it generally took place in the Town-hall, in the presence of the town authorities (in London, even in the present day<sup>2</sup>, it is performed in the Guildhall by the Chamberlain of the City), or in solemn meeting of the Craft-Gild. On this occasion the apprentice was specially instructed in his duties, both as to his moral conduct and the trade. At last, a record of the act—the indenture—was drawn up, which also contained the special conditions under which the apprentice was placed with his master. By this admission the apprentice became a member of the family of his master, who instructed him in his trade, and who, like a

<sup>1</sup> Quin-Lacroix, p. 749—*Statuts des Tisserands de Tournay en 1365*, art. vi.: “Ceux qui ne sont pas de Tournay ne pourront y exercer ce métier, que dans le cas où les habitants de cette ville pourront exercer le même métier, dans celles d’où ces étrangers sont originaires.”

<sup>2</sup> Compare Arundell’s *Reminiscences of the City of London and its Livery Companies*, p. 162, London, 1869. For the instructions to apprentices from the sixteenth century, see Stow’s *Survey of London*, Edit. 1720, p. 318. Compare too Moke, vol. i. p. 195, Berlepech *passim*, for instance, vol. ix. p. 39.

father, had to watch over his morals, as well as his work, during his apprenticeship. At the expiration of his apprenticeship the lad (then a man) was received into the Gild again with special forms and solemnities, and became thereby a citizen of the town. On both occasions a fee had to be paid: in London it was 2s. 6d. on becoming an apprentice, and 3s. 4d. on becoming a member of the Gild.

After the care for skilful workmen, the next concern of the Gild was for the use of proper tools, and the application of well-adapted processes of manufacture. No member of the Gild was allowed to possess tools "unless the same were testified to be good and honest;" and the statutes contained directions and prohibitions, entering into the most minute details, with reference to the method of working. It was specially forbidden, in the strongest terms, to mix inferior materials with a better sort, to the detriment of the buyer, or to sell patched-up articles as new. Measures were also taken to protect the public against the spoiling of materials entrusted to the craftsmen for manufacture. Thus, the statutes of the Whittawers<sup>1</sup> directed the Gild-brothers to assist a member who did not know how to go on with his work, in order that it might not be spoiled. Such directions are specially frequent among the Masons<sup>2</sup>, from whom customers received special guarantees for the proper completion of their work. We also find sanitary regulations with regard to the observance of cleanliness in carrying on the craft. Subject to these measures of supervision, all Gild associates were allowed to sell all articles of the trade within the town, and without any other control than that of the Gild.

Nominally, to insure the good quality of their wares, the Gild-Statutes always ordain that no one "shall work longer than from the beginning of the day until curfew," nor "at night by candle-light." But doubtless the real ground for this ordinance was rather regard for the well-being of the Gild-brothers; it was the wish to give them leisure for fulfilling their domestic and political duties, and to prevent the collective body from being forced to over-exertions by the competition of a few too zealous for gain, and from being thus deprived of every enjoyment of life. Similar considerations were also sometimes the cause of

<sup>1</sup> Riley's *Memorials*, p. 232. See also *English Gilds*, pp. 321 &c., 331.

<sup>2</sup> Riley's *Memorials*, pp. 280-282—Regulations for the trade of Masons. According to them, he "who wishes to undertake work in gross" has to bring forward four ancient men of his trade as security for the proper execution of the work; and they, in the event of his not fulfilling his duty, have to execute the work themselves. Compare also the Code of the Rochlitz Stoneasons of 1462, art. 3-7 (Berlepsch, vol. viii. p. 196).

long holidays; as for instance of the prohibition of the London Weavers<sup>1</sup> to work between Christmas and Purification-day (Feb. 2). The same considerations, supported by religious motives, caused the strict prohibition of work on Sundays and festivals, and "on Saturday or the eve of a double feast, after noon has been rung." This last ordinance, forbidding work on the last-mentioned afternoons, was common to all countries, and had its origin in a custom of the Roman-Catholic Church to solemnize the eve of festivals and Sundays by religious services<sup>2</sup>. Hence it was lost at the Reformation; and it was not till lately that English workmen were able to regain their lost holiday. There were also other measures arising from this general tendency to prevent a ruinous competition amongst Gild-brothers, as contrary to the spirit of brotherhood. Their ordinances were framed for the "better relief and commodity of the poorer sorte." No Gild-associate was to entice away a brother's customers nor a brother's servant. We frequently also meet with restrictions in the number of servants and apprentices which an individual member was allowed to have. And at an early period regulations as to prices, under the supervision of the town authorities, became common. The Gild-Statutes further forbade working for a customer who was still indebted to a brother. Any member becoming poor from "adventures on the sea, or the advanced price of merchandize, or by borrowing and pledging, or by any other misfortunes," might claim to be relieved in proportion to the fraternity's funds. Even in 1723 the bye-laws of the Gild of the Joiners and Carpenters of Worcester ordained, "that wherever any freeman buys any parcel of timber or boards coming to the city to be sold, and fit for the crafts, every freeman may have a share therein, not exceeding a third, at cost price, on request, and paying ready money, under penalty of 20s. for refusing to share."<sup>3</sup> As long as members of the Gild were out of

<sup>1</sup> Herbert, vol. i. p. 19. The acts and ordinances of the Company of Cutlers and makers of knives in Hallamshire prescribe in art. i. that no manufacturer, whether master, servant, or apprentice, shall perform "any work apperteyning to the said scyence and mysterie of Cutlers" for twenty-eight days next ensuing the 8th day of August in each year, nor from Christmas to the 23rd of January; and in Art. iv., "No person occuping any wheel for the grinding of knives to allow of any work being done there during the holiday months. Penalty as before." (Hunter's *History of Sheffield*, p. 119.)

<sup>2</sup> See, on the Saturday half-holiday in England in A.D. 1303, Robert of Braine's *Hastings Synne*, ed. 1862. (Note by F. J. F.)

<sup>3</sup> *English Gilds*, p. 210. Mr. Ludlow [*The Fortnightly Review*, Oct. 1869, p. 405] very truly observes: "The spirit of this rule, as well as of that of the Berwick Gild as to sharing a load of herrings with one's neighbours, is exactly the same as that of the rules of the Amalgamated Society of Engineers, requiring members who take piece-work to share equally any surplus made with all members working on the job."

work, no member was to work with non-members. On the other hand, a member was always allowed to employ his wife, children, and maid in work; for the whole household of a Gild-brother belonged to the Gild<sup>1</sup>. This led unfortunately in later times to many easings to the sons of Gild-brothers in learning the trade and acquiring the freedom of the Gild, as well as to the degeneration of the Gilds into family coteries. Another consequence of these laws was, that after the death of a Gild-brother, his widow could carry on his trade, and could remain a member of the Gild. Even if she married again a man of the same trade who was not free of the Gild, she generally<sup>2</sup> conferred on her second husband that freedom by marrying him. If, on the other hand, she married a man who did not belong to the same trade, she was excluded from the Gild during that wedlock. The same brotherly spirit gave rise also to laws forbidding insults and ill-usage among Gild-brothers; to the prohibition to appear before a court of justice for disputes about debts and other matters, unless every transaction had first been examined by the Gild-wardens, and every compromise proved impossible; and also to a series of other rules referring to their domestic conduct<sup>3</sup> among each other, and the prevention of unneighbourly tricks. The Gild-Statutes also, in conformity with the spirit of the times, often contain sumptuary laws for the members, and especially with reference to apprentices. As the Craft-Gilds did duty also as divisions of the military forces of the town, we find in their statutes many articles<sup>4</sup> referring to this matter; and

<sup>1</sup> This answers too the question of Mr. Toulmin Smith: "Why is he (a fuller of Lincoln) not to work at the bar in company with an ordinary woman, while he may do so with a master's wife or her handmaid?" (Note on p. 180 of his collection.) In Riley's *Memorials*, too, the rule is frequent, "that no one of the trade shall set any woman to work, other than his wedded wife and daughter" (for instance, pp. 216, 277, 547, &c.). Compare too Wilda, p. 329.

<sup>2</sup> The only exception known to me is art. vi. in the *Statuts des Poulaillers de Paris*: "The wife of a poultreter may carry on the said mystery after the death of her husband, quite as freely as if her sire was alive; and if she marries a man not of the mystery, and wishes to carry it on, she must buy the (right of carrying on the) mystery, in the above described manner; as she would be obliged to buy the mystery, if her husband was of the mystery, and had not yet bought it; for the husband is not in the dominion of the wife, but the wife is in the dominion of the husband" ("quar li homme n'est pas en la seignorie à la femme, mès la femme est en la seignorie à l'homme").—Ouin-Lacroix, p. 747.

<sup>3</sup> For instance, "that no man of the fraternite take his neyghbor's house y<sup>t</sup> is of the same fraternite, or enhaunce the rent against the wille of the foresaid neighbor."—Herbert, vol. i. p. 49; compare also Berlepsch, vol. v. p. 18, vol. ix. p. 21.

<sup>4</sup> Wilda, p. 340. The Statutes of the *Débiteurs de bois* of Gant declare: "Tout membre qui ne se rend pas en armes sous la bannière du métier, quand les bonnes gens de Gant se réunissent en équipage de guerre, forfaira le prix de plusieurs jours de travail pour chaque fois."—Moke, vol. i. p. 196. Compare also the Statutes of the "Spinnwetter" at Bâle, 1271, Berlepsch, vol. ix. p. 21.

brilliant were the victories which some of the Gilds gained under their trade banners<sup>1</sup>. Naturally enough, the Craft-Gilds were not deficient in that element essential to all Gilds, the common meal, which in later times was held in their sometimes magnificent hall<sup>2</sup>.

The Gild, which, as we have shown, stood like a loving mother, providing and assisting, at the side of her sons in every circumstance of life, cared for her children even after death; and the ordinances as to this last act breathe the same spirit of equality among her sons on which all her regulations were founded, and which constituted her strength. In cases of insolvency at death, the funerals of poor members were to be equally respected with those of the rich.

Besides being brotherhoods for the care of the temporal welfare of their members, the Craft-Gilds were, like the rest of the Gilds, at the same time religious fraternities. In the account of the origin of the Company of Grocers<sup>3</sup> it is mentioned that, at the very first meeting, they fixed a stipend for the priest, who had to conduct their religious services, and to pray for their dead. In this respect the Craft-Gilds of all countries are alike; and in reading their statutes, one might fancy sometimes that the old craftsmen cared only for the well-being of their souls. All had particular saints for patrons, after whom the society was frequently called; and where it was possible, they chose one who had some relation to their trade<sup>4</sup>. They founded masses, altars, and painted windows in cathedrals; and even at the present day their coats of arms and their gifts range proudly by the side of those of kings and barons. Sometimes individual Craft-Gilds appear to have stood in special relations to a particular church<sup>5</sup>, by virtue of which they had to perform special services, and received in return a special share in all the prayers of the clergy of that church. In later times the Craft-Gilds frequently went in solemn procession to their churches. We find innumerable

<sup>1</sup> For instance, the Journeymen-Bakers of Munich at Ampfing, 1322 (Berlepsch, vol. vi. p. 151), the Butchers of Liège at Steppen, 1313 (Möke, vol. ii. p. 66), the Furriers of Brussels at the siege of Malines, 1303 (Ibid. p. 124), above all, the Flemish Weavers at Courtrai, 1302 (Ibid. p. 146), &c. &c.

<sup>2</sup> We have an account of the Tailors' Hall in London existing already in the time of Edward III. (Herbert, vol. i. p. 87).

<sup>3</sup> Herbert, vol. i. pp. 43-45.

<sup>4</sup> For the names of the saints in certain trades, see Brand's *Popular Antiquities*, vol. i. p. 202, ed. 1841. (Note of F. J. F.)

<sup>5</sup> Compare the London Saddlers (Herbert, vol. i. p. 16); but their Gild was probably a purely religious one, see also the Followers of Lincoln and their relation to the chapter of that city (Mr. T. Smith's collection, p. 179); and the Craft-Gilds at Bâle and their relation to the cathedral (Berlepsch, vol. ii. p. 18, vol. v. p. 18, vol. ix. p. 19).

ordinances also as to the support of the sick and poor; and to afford a settled asylum for distress, the London Companies early built dwellings near their halls. The chief care however of the Gildmen was always directed to the welfare of the souls of the dead. Every year a requiem was sung for all departed Gild-brothers, when they were all mentioned by name; and on the death of any member, special services were held for his soul, and distribution of alms was made to the poor, who in return had to offer up prayers for the dead, as is still the custom in Roman-Catholic countries<sup>1</sup>.

Sometimes we find in one and the same place a single trade, or kindred trades, organized into several Craft-Gilds; as for instance in London, two Gilds of Tanners, one without Newgate and one without Cripplegate<sup>2</sup>; and the four Weaver Gilds at Cologne in the thirteenth century<sup>3</sup>; just as is still the case with the Trade-Unions. And like the amalgamations of Trade-Unions, which are always becoming more frequent in the present day, these different old Craft-Gilds frequently amalgamated in later times; as for instance the above-mentioned four Weaver Gilds at Cologne in 1396, and the Fullers and Shearmen of London in 1527<sup>4</sup>. Like the Trade-Societies embracing all England, and even more, and like the early German Town-Confederations, these Gild-Unions in some trades were extended over whole countries. Thus we gather from the charter of the Tailors of Schweidnitz in 1361, that they formed a union of the tailoring trade in twenty-five Silesian towns<sup>5</sup>. And in the middle of the fourteenth century the various Cutlers' Gilds in Germany were united into four great fraternities, at Augsburg, Munich, Heidelberg, and Bâle, by whom all great differences, which could not be settled by the separate Gilds or their presidents, were legally decided<sup>6</sup>. But the most renowned of these confederations was that of the various building-lodges of Germany. It was brought about in 1452 by Dolzinger, chief-master at the building of Strasburg Cathedral; and in 1454 common statutes were discussed and passed at a general meeting at Ratisbon, and were revised and confirmed on several other lodge days. In accordance

<sup>1</sup> Thus, for instance, in the Statutes of the Fullers of Lincoln it is said (*English Gilds*, p. 180): "When any of the bretheren and sisteren dies, the rest shall give a halfpenny each to buy bread to be given to the poor, for the soul's sake of the dead." These alms, in order that the poor should pray for the dead, sprang from the same belief as the causing masses to be said for the souls of the departed, and there is therefore no room for Mr. Toulmin Smith's doubts and questions in his note on p. 181.

<sup>2</sup> Herbert, vol. i. p. 31.

<sup>3</sup> Herbert, vol. ii. p. 654.

<sup>4</sup> Berlepsch, vol. vii. p. 123.

<sup>5</sup> Arnold, vol. i. p. 254, &c.

<sup>6</sup> Berlepsch, vol. ii. p. 230.

with these statutes, four central lodges were created, Strasburg, Cologne, Vienna, and Zurich, each with a separate district. Strasburg, however, had the precedence. The overseer of the cathedral works was Grand-Master of the Stonemasons' fraternity, and according to its code, confirmed by the Emperor Matthias in 1613, he was even then still considered as "chief judge of stonework." Even in the eighteenth century the Masters of the Stonemasons' lodge at Strasburg demanded a goldfinch from the lodge at Rochlitz as a token of its dependence<sup>1</sup>. And as late as 1789, the Vienna lodge administered justice throughout the whole of its district, awarded punishment, and so forth. This union of the workmen in the building trades was followed by others amongst kindred or technically-identical crafts, especially amongst those which, on account of the trifling demand for their wares, could not exist in small towns at all, and only in limited numbers in large towns, as for instance the Locksmiths and Sword-cutlers<sup>2</sup>. The central societies were in the capitals, the branches in the small towns. Three masters in any one of the confederated towns formed a corporation, whose acts, if they were in conformity with the acts and statutes of the central society, were legally recognized by the other confederated societies. As the branch societies were subordinated to the central one, they were always obliged to send a couple of deputies to the meetings which took place at the abode of the central society; and to give there the accounts of their branches. At these meetings the common good of the Gild was discussed; and all concerns which could not be regulated by the branches were settled. Sometimes even the branches and central societies divided their money proportionately amongst themselves. The central societies of several crafts were at Nürnberg; and masters from all parts of Germany—and even from Courland and Livonia—there purchased freedom and master's credentials, and got their apprentices enrolled; as, for instance, the Combmakers, File-cutters, Brushmakers, Coppersmiths, &c.<sup>3</sup> I would not enter into all these details, were it not for their great similarity to the circumstances of some Trade-Unions of the present day, for instance, the Amalgamated Engineers.

Though in the preceding paragraph I have spoken partly of very late times, yet one relation, namely, that between workmen and masters *before* the degeneration of the Craft-Gilds, has not yet been touched on at all. The facts recorded concerning it, before the

<sup>1</sup> Berlepsch, vol. viii. pp. 186, 187.

<sup>2</sup> Pöllitz and Böllan, 1742, vol. ii. pp. 341-343.

<sup>3</sup> Orlöff, *Recht der Handwerker*, pp. 61, 83.

middle of the fourteenth century, are extremely meagre. They consist entirely of prohibitions against engaging the servant of another before the expiration of his servitude, or so long as his former master had a claim on him ; of regulations as to the number of servants allowed to a master ; of punishments incurred by masters who kept back their servants' wages ; and lastly, of the ordinance that all disputes between masters and servants should be decided by the wardens of the Gild. Servants' wages also were probably at that time fixed by the wardens. This slight notice of servants in the accounts of the early Craft-Gilds may however be sufficiently explained by the character of handicrafts in that age. They were for the most part merely local trades, and were mostly, if not entirely, carried on by natives of the towns, as many Gild-Statutes expressly declare. A great influx of labour, and an overstocking of the trade with hands, were therefore impossible. Moreover, the Gilds were not yet close corporations, and in the then state of handicraft a large capital to carry it on as a master was not required. And if we consider, finally, that from the frequently recurring restriction of a master to only one servant<sup>1</sup>, a very insignificant number of them must be inferred, and that many Gild-Statutes do not even mention servants at all, but only apprentices, it appears very probable that the majority of apprentices would, as soon as their apprenticeship had expired, practise their handicraft on their own account, and that only a few would work as servants, and these merely for a time. Of a real working-class, with separate interests and ideas, there was therefore at that time no question at all. We meet with an exception to this rule only in the cloth manufactures of the Belgian towns, which were carried on on a larger scale and for an extended market. Here servants took part, as delegates of their class, even in the supervision of labour<sup>2</sup>, gave their consent to the ordinances for regulating the trade, and received their pay in a definite proportion to that of their masters. In some places, as at Bruges, the servants received a real share in their masters' profits<sup>3</sup>. Even where the supervision of woollen

<sup>1</sup> For instance, *Statuts des Chandeliers de Rouen, rédigés en 1360*, Ouin-Lacroix, p. 589.

<sup>2</sup> Moke, vol. ii. p. 108 : "A Ypres, nous voyons les valets admis à partager la surveillance du travail. Ce dernier règlement, qui date de 1280, divise ainsi les inspecteurs : il y aura dans la ville d'Ypres deux voies (c'est-à-dire deux inspections), l'inspection du nord et l'inspection du sud. Dans chacune six maîtres et trois valets."

<sup>3</sup> Moke, vol. ii. p. 99, says, speaking of the "Anciennes Ordonnances d'Ypres" of 1280 : "Voici dans quelles proportions s'y trouvent calculés les salaires du maître et du valet dans le métier des tondeurs :—

manufactures was entirely in the hands of patricians, no regulations were framed without the servants having been previously heard<sup>1</sup>.

Such harmonious relations, however, cannot be inferred from the accounts we have after the middle of the fourteenth century; and this, it appears to me, was in consequence of the degeneration of the Craft-Gilds, which in certain places and in certain trades commenced with the fourteenth century. We must not forget that these Gilds were not unions of labourers in the present sense of the word, but of persons who, with the help of ~~some~~ stock, carried on their craft on their own account. The Gild contests were, consequently, not contests for acquiring political equality for labour and property, but for the recognition of political equality of trade-stock and real property in the towns. These contests, therefore, nowhere led to a participation of the masses in the government; but in the place of an oligarchy of landed proprietors, an oligarchy of capitalists stepped in<sup>2</sup>. If originally the capital required for carrying on a craft was but insignificant, and was possessed by the majority of the lower classes of the townsmen, so that the possession of small capital did not characterize the Gild in a higher degree than labour, yet this state of things was changed with the advance and flourishing of trade, and the increase of riches amongst craftsmen. But in proportion as a trade advanced and acquired wider markets, it afforded greater opportunities for the employment of capital; and in the same proportion the Craft-Gild changed from a society for the protection of labour, into an opportunity for the investment of capital. But at the same time this rise in the money-power of the Gilds—and especially of the cloth manufactures—drew the villeins in masses into the towns and into the trades<sup>3</sup>. Concern for the productiveness of their investments aroused the spirit of monopoly in the craftsmen, and called forth a mul-

Le Maître.	Le Valet.
12	8
10	8
6	5
26	21
<hr/>	
34	43

Les règlements du métier des Tisserands à Bruges (p. 14) ordonnent que de deux deniers le maître en ait trois, le valet deux (or le maître fournit le métier et le local).

"Plusieurs ordonnances réglementaires portent pour clause, 'du consentement des maîtres et des valets.'"

<sup>1</sup> Thus at Brussels, see Maize, vol. ii. p. 108.

<sup>2</sup> Arnold, vol. ii. p. 192, &c.

<sup>3</sup> Compare Eden, *State of the Poor*, vol. i. pp. 30, 43, 57, 61.

titude of restrictions on the competition of the new aspiring families. The entrance-fees were raised; and on the Continent arose the custom of requiring a costly masterpiece from every outsider who wanted leave to carry on a craft on his own account, whilst entrance was made easy to the sons and sons-in-law of members, as well as to those who married a widow belonging to a Gild<sup>1</sup>. At Bremen, where, it appears, shoes were made for a larger market, as early as A.D. 1300, the membership of the Gild among the Shoemakers was inherited by both sons and daughters; and every one who became master had to pay a quarter of a mark. In 1308 it was decreed in that town that whoever was not born in the Gild, must before entering it be possessed of a fortune of eight marks free of debt<sup>2</sup>. At Tournay<sup>3</sup> it became necessary as early as 1365 to forbid usurers carrying on the Weavers' trade. The capitalist character of the Gild became preponderant to such an extent, that proof of the possession of capital, or of a house in which the trade was to be carried on<sup>4</sup>, was frequently made a requisite for a candidate's admission. Often we find a forbiddance to carry on trade with borrowed capital<sup>5</sup>; and hence, even where the practice of inheriting the freedom of the Gild had not been established by the Gild-Statutes<sup>6</sup>, the freedom became practically hereditary on account of the difficulty of complying with the conditions for entrance. Even the requisite of spotless honour for admission was abused by the Gild-meetings in order to keep off competition, for they had the right of refusing admittance to anybody. Whole classes of persons were denied admission, as in Germany, all born out of wedlock, the sons of peasants, &c.<sup>7</sup> In England also legitimate birth was a requisite of admission<sup>8</sup>. Besides,

<sup>1</sup> Quin-Lacroix, p. 651—*Statuts des Éperonniers de Rouen en 1358*, art. xi. p. 655; *Statuts des Filassiers et Filassières de Rouen, 1358 et 1394*, art. xvi., &c.

<sup>2</sup> Berlepsch, vol. iv. pp. 32, 34.

<sup>3</sup> Quin-Lacroix, p. 749—*Statuts des Tisserands de Tournay en 1365*, art. ii.: “Un usurier ne pourra exercer le métier de tisserand.”

<sup>4</sup> Berlepsch, vol. vi. pp. 126, 127.

<sup>5</sup> Berlepsch, vol. ii. p. 229—Charter of the Vienna Tailors, 1340.

<sup>6</sup> Quin-Lacroix, p. 740—*Statuts des Forgerons d'outre les rivières d'Orne et d'Aure en Normandie en 1405*, art. i.: “Nul ne forgera s'il n'est fils d'un ferron ou mari d'une de ses filles.”

<sup>7</sup> Berlepsch, vol. iv. p. 33; Pölitz and Bülau, 1841, vol. ii., Stock's article on *Gilds*.

<sup>8</sup> See the *Constitutions of Masonry*, printed by Mr. Halliwell from the MS. Bibl. Reg. 17. A. 1, fol. 32, in the British Museum, second edition, 1844. Though these recognize the keeping of concubines by Masons, telling one,

“Thou schal not . . ly . . by thy felows concubyne,  
No more thou woldest he dede by thyne,”—(l. 324-328)—

yet by *Articulus quintus* the apprentice is evidently to be of lawful birth:—

in this country in the fourteenth century every citizen had to swear, when he received the freedom of the City, that he would take no apprentice "but if he be free-born, (that is to say) no bondman's son<sup>1</sup>;" and if after he was made free of the Gild and the City, it was known that he was of servile condition, he lost his freedom<sup>2</sup>. In short, in the fourteenth century commenced the transformation of the trades into entails of a limited number of families,—though this number may have been large; and the narrow-minded spirit of capital, petty rivalries, and hateful egotism began to take the place of the great idea of association and solidarity under which the Craft-Gilds grew up and flourished. Sometimes the richer craftsmen withdrew from their poorer brethren into separate Gilds, as, for instance, the Shoemakers from the Cobblers, the Tanners from the Shoemakers<sup>3</sup>; and we frequently hear of disputes among the Craft-Gilds concerning what belonged to their trade<sup>4</sup>. The Emperor Sigismund also complains, in 1434, in his *Secular Reformation*<sup>5</sup>, that membership of the Gilds had then to be "grossly bought," that in the town council the crafts followed with partiality their own advantage only, to the public detriment; and he believes that the only remedy would be their abolition. Similar abuses of the craftsmen perhaps contributed to the ordinance requiring returns as to the aims, constitution, statutes and means of the Gilds,

"The fyfthe artycul ys swythe good,  
So that the prentes be of lawful blod."—(L. 147-8.)

And the apprentices of higher degree is evidently also legally born:—

"By olde tyme wryten y finde,  
That the prentes schulde be of gentyl kynde;  
And so sumtyme grete lordys blod  
Toke thy geometry, that ys ful good."—(L. 143-6. F. J. F.)

<sup>1</sup> Compare the well-known passage in the *Constitutions of Masonry* (MS. of the fifteenth century), ed. Halliwell, p. 16, *Articulus quartus*:—

"The fourthe artycul thyse moste be,  
That the mayster hym wel bese  
That he no bondmen prentys make,  
Ny for no covstyng do hym take;  
For the lord that he ys bond to,  
May fache the prentes wherver he go.  
3f yu the logge [note the early use of the word *logg*] be  
were ytake,  
Muche doun byt mynþ ther make,  
And such case byt mynþ befallis,  
That byt mynþ greve summe or alle."—(L. 127-136. F. J. F.)

<sup>2</sup> Stow's *Survey of London*, p. 322, where examples are produced of citizens losing the freedom of the City in later times on account of their being born as bondmen.

<sup>3</sup> Berlepsch, vol. iv. p. 41, &c.; Oquin-Lacroix, p. 748—*Tanneurs de Sens*, 1322, art. x.

<sup>4</sup> Berlepsch, *ibid.*; Riley, *Memorials*, pp. 166-167; Herbert, vol. i. p. 104.

<sup>5</sup> Goldasti, *Constitutiones Imperiales*, vol. iv. p. 159, cap. iv.

in 12 Richard II., to which we are indebted for most of the documents contained in Mr. Smith's collection. At least, complaints against the Gilds were at other times the occasion for such inquiries. Thus, in the case of the London Weavers in 14 Edward II., and later in 1437, 15 Henry VI., on a petition<sup>1</sup> of the Commons to the king declaring that the Craft-Gilds abused the privileges granted to them by enacting ordinances hurtful to the common profit of the people; and in our time also we have seen, from the same cause, something similar in the Royal Commission on Trade-Unions. The Act which followed in consequence of the petition in 1437, the 15th Henry VI. c. 6, 7, ordained, besides the returns just mentioned, "that they [the Gilds] should not make or use any ordinance in disparity or diminution of the franchises of the king or others, or against the common profit of the people, nor allow any other ordinances without their being first approved and enrolled before such Justices of the Peace, and that the same should be by them afterwards revoked and recalled, if not found to be wholly loyal and reasonable," &c.

The last-mentioned restrictions in the Craft-Gilds at a time—the middle of the fourteenth century—when the villeins were rushing in great numbers into the towns to take up trades, must have prevented a great number, and in several trades the majority, of workmen, from themselves becoming independent masters; and thus there arose a real working-class, with separate views and interests. Whilst the statutes before the fourteenth century frequently do not even mention the workmen, after the middle of the fourteenth century it became absolutely necessary to regulate their relations to their masters. Above all things, the provisions for the settlement of disputes between masters and workmen which recur in all countries, are striking, as well as the care that both masters and workmen should fulfil their obligations to each other. The deciding authorities were here always the wardens of the Gild. Masters who withheld from the workmen the wages to which they were entitled were compelled to pay by the Gild authorities<sup>2</sup>. On the other hand, "if any serving man shall

<sup>1</sup> Herbert, vol. i. pp. 106, 107.

<sup>2</sup> Riley, *Memorials*, p. 306—Articles of the Alien Weavers. 1362: "If any workman has served his alien master by the day or by the week, and the said master will not pay the workman for his work, according as they shall have agreed, the good folks who shall be ordained or sworn to keep and rule the said trade, shall have power to forbid the said master to be so daring as to work at the said trade until he shall have paid his workman what he is bound to pay him. And if he shall do the contrary, and be convicted thereof, let him pay to the chamber the penalty that is underwritten." See also *Ibid.* p. 512—Ordinances of the Founders, 1389, and others. The Gild-Statutes of the Continent show the same fact, for

conduct himself in any other manner than properly towards his master, and act rebelliously towards him, no one of the trade shall set him to work until he shall have made amends before the mayor and aldermen, and before them such misprision shall be redressed!." In the case of the Tailors of Vienna the rule became necessary that "no workman shall be allowed to leave his master fourteen days before a festival," that is, at a time when there would be the greatest demand for work<sup>2</sup>. Among the Tailors of Silesia we find that in 1361 the system of journeymen travelling in search of work was already completely organized<sup>3</sup>. Some of the Continental statutes—probably with the object of restricting competition—made it a requisite of mastership that every one should have worked as a journeyman for a certain number of years<sup>4</sup>. Moreover, all journeymen were strictly forbidden to work on their own account<sup>5</sup>; and, where they were allowed to marry, their wives were forbidden to work<sup>6</sup>. These workmen had also frequently to become members of the Gild, and had to pay contributions<sup>7</sup>. But a great difference was evidently made between the workman who had no prospect of becoming a master, and the apprentice who took to the trade with that view<sup>8</sup>. Besides also, we meet with beneficent regulations in favour of the workmen. Thus, for instance, the articles of the Braelers' decree: "If any serving man of the said trade, who has behaved himself well and loyally towards his masters whom he has served, shall fall sick, or be unable to help or maintain himself, he shall be found by the good folks of the said trade until he shall have recovered and be able to help and maintain himself."

instance, Ouin-Lacroix, p. 748—*Statuts des Tailleurs de Montpellier en 1351*, art. xi.: "Si quelque maître ne faitoit pas justice à ses ouvriers en leur refusant leur salaire, il sera tenu de les satisfaire à l'arbitrage des maîtres." Art. xii.: "Si quelque ouvrier obligé envers quelqu'un des maîtres, ne voulant s'acquitter à l'arbitrage des autres maîtres, nul des maîtres ne lui donnera plus d'emploi." See also Ibid. p. 740—*Statuts des Forgerons, &c., en Normandie*, 1405, art. 1., and many other Gild-Statutes.

<sup>1</sup> See Riley's *Memorials*—Ordinances of the Whittawers, 1346 (p. 231); Brasiers, 1355 (p. 277); Founders, 1389 (p. 512); Brasiers, 1416 (p. 624), &c.

<sup>2</sup> Berlepsch, vol. ii. p. 229.

<sup>3</sup> Ibid. pp. 230-233.

<sup>4</sup> See, for instance, Ouin-Lacroix, p. 735—*Statuts des Boulangerz d'Arras en 1371*, art. 1.

<sup>5</sup> See, for instance, Ouin-Lacroix, p. 748—*Tailleurs de Montpellier en 1351*, art. viii.

<sup>6</sup> For instance, Ouin-Lacroix, p. 584—*Cordiers de Lyon en 1397*, art. xii. p. 675; *Gelaiers de Rouen en 1403*, art. xii.

<sup>7</sup> See Riley's *Memorials*, p. 547—Articles of the Leathersellers, 1398; Ouin-Lacroix, *Tailleurs de Montpellier en 1351*, art. ii.

<sup>8</sup> For instance, Riley's *Memorials*, p. 570—Articles of the Blacksmiths, 1408.

"And that no one of the said trade shall teach his journeymen the secret of his trade, as he would his apprentice, on the pain of excommunication."

<sup>9</sup> Riley's *Memorials*, p. 277.

The plague of 1348, and the consequent depopulation, brought the opposition between the interests of the working-class and the employers for the first time on a large scale to a crisis. As the clergy took advantage of the small number of those who could say masses and prayers in conformity with the intentions of the faithful in order to increase their fees, and as merchants and tradesmen took advantage of the small supply of wares to raise their prices, in like manner the workmen endeavoured to use, for a general rise in wages, the distress into which the propertied class had been plunged through the universal dearth of labour. The consequences of this were the notorious Statutes of Labourers (23 and 25 Edward III.), in which it was ordained for workmen in general, but especially for agricultural labourers and those employed in the building trades, that no workman should take more, and no employer should give more, than had been customary before the plague. It has become the fashion in our time to represent these wage-regulations as a policy contrived for the oppression of the labourer, and this especially in explanations to working-men asking for legal regulations of wages,—as they frequently did towards the end of the last century and in the beginning of the present,—of the superior value of modern legislation for the working-class. To give such a character to these statutes is however, in my judgment, a complete misrepresentation of the real state of the case. These regulations of wages were but the expression of the general policy of the Middle Ages, which considered that the first duty of the State was to protect the weak against the strong, which not only knew of rights, but also of duties of the individual towards society, and condemned as usury every attempt to take unseemly advantage of the temporary distress of one's neighbour<sup>1</sup>. According to Knighton, there existed at the time of the plague such distress and such general loosening of the bonds of society as is only to be found in the descriptions of earthquakes in South America. Whole villages died out; houses fell into ruins; nobody would work except for enormous wages. In consequence of this, whole flocks perished for want of herdsmen, and the corn-crops, which were unusually rich that year, perished on the ground, as no reapers could be found. All existing relations threatened to become dissolved. To this was added an incursion of the Seots; and then the king, in order to bring something like order into the chaos, and to save the State and society from destruction, issued the ordinance which compelled the labourers to

<sup>1</sup> From this policy sprang indeed all mediæval price-regulations of wares, and especially of provisions, as well as the severe punishments and the frequent and well-meant, though mistaken, prohibitions of the engrossing of goods to re-sell them at higher prices in times of dearth.

work for fixed wages. In order to have something like a fixed standard, he naturally reverted to the scale of wages which existed before the plague. But ordinances of this kind were by no means directed against the labourers alone, for similar measures struck at all who in a similar spirit of usury would enrich themselves from the general misery, like those clergy who claimed larger fees for their prayers and masses, and like those merchants and tradesmen who raised the price of their goods. The purpose of the law, to protect especially the weak, may also be seen in the punishments which the rich incurred who paid higher wages, thereby raising the general rate, and thus preventing poorer men from hiring labourers<sup>1</sup>. However much this policy must be condemned as unwise from an economical point of view, yet surely to render it suspected, as is the pharisaical wont in our days, is miserable; for at all events its basis is more moral than ours, when we give up our workmen without protection to their employers, and they have to choose only between the conditions of their masters and the workhouse or starvation.

In the towns the plague produced the same consequences as in the country, and accordingly, in 1350, we meet with a regulation by the mayor of London, of wages and prices in all trades in the City<sup>2</sup>. Likewise, in the ordinances of the Craft-Gilds agreed upon after the plague, we invariably find the rule that nobody "shall take for working in the said trade more than they were wont heretofore<sup>3</sup>." And when, in the year 1362, a tempest caused fearful ravages amongst the roofs of houses, there was issued a "Royal order, that materials for roofing, and the wages of tilers, shall not be enhanced *by reason* of the damage done by the late tempest<sup>4</sup>"; an order whose title alone confirms my statement as to the motives of these laws. These endeavours of the labourers to raise wages of course showed themselves first and most strongly in the trades in which, as in the cloth manufactures<sup>5</sup>, the new development had progressed the farthest, and in which there existed a large working-class. Thus we find, in the year 1350, a petition<sup>6</sup> from the Master-Shearmen to the City authorities of London, in which they complain that they could no longer have journeymen at the same rate of wages as formerly; that "now the men will not work otherwise than by

<sup>1</sup> See Knighton's Chronicle in *Historia Angliae Scriptores docti*, pp. 2599-2601. Londini, 1652.—Consult generally on the Black Death of 1348, Mr. Sanderson's excellent series of articles in the *Fortnightly Review* about two years ago.—F.

<sup>2</sup> Riley's *Memorials*, p. 253.

<sup>3</sup> For instance, Riley, pp. 245, 292, 330, &c.

<sup>4</sup> *Ibid.* p. 308.

<sup>5</sup> In later times a Truck Act was also first required for the cloth manufacture, that of 4th Edward IV. c. 1 (1464-5).

<sup>6</sup> Riley, p. 251.

the cloth, and then so greatly hurry over the same, that they do great damage to the folks to whom such cloths belong ; ” and that therefore the old customs should be re-established under penalties. One of their ordinances in the same year<sup>1</sup> shows that the journeymen in disputes between a master and his workmen had “ heretofore ” already availed themselves generally of strikes as a means of procuring satisfaction for their fellow-workers ; it was therefore “ ordained that from henceforth, if there be any dispute moved between any master and his man in the said trade, such dispute shall be settled by the warden of the trade.” If the workman did not submit to the warden, he was “ to be punished by the mayor and aldermen at their discretion.” The statutes of the Alien Weavers of 1362<sup>2</sup> contain the same enactment verbatim.

Accounts at that time of strikes in the building-trade are particularly numerous ; and this is easily explained by the peculiar circumstances of this trade, which differed from all others. The trade appears to have been of a twofold kind. When cathedrals and palaces were built, there was but one master—the architect of the present day. Between him and the workmen there were masters and foremen answering to the masters and foremen of modern factories<sup>3</sup>. The “ lodge<sup>4</sup>” itself of the architect was very similar to our factories ; it consisted of one or more workshops in which the workmen worked together ; and the part of the Code of the Rochlitz Stonemasons referring to the workmen, bears a perfect resemblance, *mutatis mutandis*, to our factory rules<sup>5</sup>. In the building of dwelling-houses, however, it appears to me that the owner himself conducted the work, that he engaged both masters and workmen, and that the masters stood to him in the same intermediate position as the foremen above mentioned. Hence we find in the legal regulation about wages, special directions how much wages the masters in the

<sup>1</sup> Riley, p. 247.

<sup>2</sup> Ibid. p. 306.

<sup>3</sup> See in Berlepsch, vol. viii pp. 194-209, the Code of the Rochlitz Stonemasons of 1462, which was formed after that of Strasburg ; also Ouin-Lacroix, p. 227, &c.

<sup>4</sup> The German word is “ *Hütte*.” It meant as well the workshop as the place of meeting, which in those days were identical.—The seemingly different meaning of the word *lodge* in early (as in modern) England has been noticed above, p. cxxxix, note 1. Compare too from the same *Constitutions of Masonry*, p. 22, of the apprentice’s duty :—

“ The prevystye of the chamber telle he no mon,  
Ny yn the *logge* whatsever they done ;  
Whatsever thou heryst, or syste hem do,  
Tell hyt no mon, whersever thou go.”—(l. 279-282. F. J. F.)

<sup>5</sup> Berlepsch, vol. viii. pp. 204-209.

building trades were to receive<sup>1</sup>; and it was frequently defined how much the master might retain of the wages which were paid to him for the workmen<sup>2</sup>, or that he should deduct nothing for himself<sup>3</sup>. Sometimes also they undertook such buildings in gross, i. e. by contract<sup>4</sup>, as is proved by the statutes of the London Masons of 1356. Thus these old building-trades show a great similarity in their institutions to those of our modern Great-Industry; there were fewer persons who carried on the trade on their own account, and a greater number of dependent workmen, than in the other trades; and the last-mentioned ordinances point to relations, such as are still greatly abhorred by workmen of the present day. Naturally, those relations led then to the same differences between workmen and their employers as they lead now. Thus in England the "Royal mandate as to the workmen who have withdrawn from the works at the Palace of Westminster<sup>5</sup>" tells us of a strike amongst the workmen in the building-trades; and the two laws enacted there in the Middle Ages against combinations, congregations, and chapters of workmen, the 34th Edward III. c. 9 and 3rd Henry VI. c. 1, were directed against workmen in the building-trades only<sup>6</sup>. Moreover, the peculiar position of these trades is indicated by the fact that all the legal regulations of wages in the Middle Ages which are cited by Eden<sup>7</sup>, refer—by the side of agricultural labourers—exclusively to the workmen in the building-trades. About this time also there sprung up in the building-trades in France the "compagnonnage," and for centuries it existed among workmen only employed in these trades<sup>8</sup>.

Though the combinations and Trade-Unions in the building-trades of that age may be explained by the altogether peculiar circumstances of these trades, and though they must therefore be considered as an exceptional phenomenon, yet, on the other hand, the rise of a class of journeymen with special interests and views must have necessitated and called forth an organization of

<sup>1</sup> See Riley, p. 253—Wage-regulations of the City of London; also the 25th Edward III. c. 2, as well as the 34th Edward III. c. 9.

<sup>2</sup> Ibid. p. 197, art. 9.

<sup>3</sup> Berlepsch, vol. viii. p. 171.

<sup>4</sup> Ibid. p. 271.

<sup>5</sup> Riley, p. 281.  
<sup>6</sup> Compare, too, the Ordinances of Worcester, art. 57 (Mr. Tolmin Smith's collection, p. 397). The Act of Henry VI. (A.D. 1454-5) mentions "the yearly congregations and confederacies made by the Masons in their general chapters assembled."

<sup>7</sup> Eden, *State of the Poor*, vol. i. See also Riley, *Liber Albus*, pp. 251, 253.

<sup>8</sup> See Simon, *Etude historique et morale sur le Compagnonnage*, Paris, 1853, p. 90, and others. This term meant originally, says the *Dictionnaire de l'Académie*, "the time during which a young man who had finished his apprenticeship worked at his master's before he could set up for himself. It is used now for the union of artisans in different associations." The latter is the sense in which it is employed in the text.

them. Accordingly, we meet on the Continent about this time with special fraternities of journeymen, which were formed after the model of the fraternities of craftsmen, just as the Craft-Gilds were after that of the Town-Gilds. Their statutes refer to common divine service at stated times, to common meals—with a multitude of directions about maintaining order on these occasions and at other meetings—to burials, to support and nursing of the sick, to entrance-fees, contributions, &c. Every journeyman of the trade in a town had to belong to it. We also find directions for the journeymen to do their duty faithfully to their masters, and inculcations of the rules of the Craft-Gild, as, for instance, that no one should summon another before a court of justice until a compromise had been first attempted before the wardens of their own journeymen's fraternity, and next before those of the Masters' Gild. For these fraternities appear generally as supplements to the Masters' Gilds, providing only especially for the social and religious wants of their fellow-members of the journeyman class. They were therefore recognized by the Masters' Gilds, and even established by their consent. Thus the Journeymen-Bakers of Copenhagen<sup>1</sup> founded, in 1403, a Gild in honour of St. Catherine; and we have still the ordinances of the Journeymen-Bakers at Hamburg from 1481<sup>2</sup>. Many others, no doubt, existed besides. In London also the same wants led the journeymen to form the same organizations. But here the City authorities were evidently afraid of the workmen abusing their unions as a means of raising wages. At least, in 1383 they issued a proclamation<sup>3</sup> forbidding all congregations, covins, and conspiracies of workmen in general; and when, in 1387, three journeymen cordwainers, wishing to found a fraternity, combined with a Friar Preacher, in order that he might obtain for them a confirmation from the Pope, and thus secure them against the last-mentioned prohibition of the City, they were pounced down on, and carried off to Newgate, under the powers of the said proclamation, before their plan could be carried out<sup>4</sup>. A record of 1396 shows the existence of a religious fraternity of the serving-men of the Saddlers, "called yomen<sup>5</sup>." They had their

<sup>1</sup> Wilda, p. 343.

<sup>2</sup> Berlepsch, vol. vi. p. 125.

<sup>3</sup> Riley's *Memorials*, p. 480.

<sup>4</sup> Ibid. p. 495.

<sup>5</sup> Mr. Riley observes in a note to this word, that "it possibly may have been intended as an abbreviation of the words 'young man,' equivalent to *garçou*, and *valetus*." I have no doubt that this is the right explanation of the word. The 20th Richard II. a. 1 speaks of "varlets called yeomen." The word is identical with the German: *Geelle, Junggeselle*. *Junggeselle* means bachelor, a word which was very often used for yeoman; see, for instance, Herbert, vol. ii. p. 652. The reason for calling the journeymen of the craft yeomen and bachelors, was probably that they were at that time in England, as was the case in Germany, not allowed

own livery, and six governors; and had, in 1396, existed thirteen years. But as the Masters were of opinion that this fraternity might be made the means of raising wages, it was, at the Masters' request, suppressed by the City authorities<sup>1</sup>. The same fate befell, in 1415, the brotherhood of "yomen tailours," who in like manner wore a livery, had their meetings and religious services, and lived in houses in common<sup>2</sup>. However, in spite of this attempt at suppression, the brotherhood continued to exist; for in 1417 they petitioned the City authorities to allow them to hold religious services for the souls of their departed fellow-members on the feast of the Beheading of St. John the Baptist (August 29), and "to do other things which theretofore they had been wont to do." We have no account as to the result of this petition, but it was most probably refused.

As a substitute for these attempts to form an independent organization of the journeymen class, the City authorities always decreed, as in the above-mentioned case of the Shearmen, "that the serving-men in the trade aforesaid should in future be under the governance and rule of the masters of such trade, the same as the serving-men in other trades in the same city are wont, and of right bound, to be." To this was added, for their protection, this precept, "that the said masters must properly treat and govern their serving-men in the trade, in such manner as the serving-men in like trades in the city have been wont to be properly treated and governed;" and at the same time the means of appeal against the decisions of the Gild-masters is given to the workmen; for it is ordained: "And that if any serving-man should in future wish to make complaint to the Mayor and Aldermen, for the time being, as to any grievance unduly inflicted upon him by the masters aforesaid, such Mayor and Aldermen would give to him his due and speedy meed of justice as to the same<sup>3</sup>."

From the wording of these decisions, as well as of the regulations referring to workmen in the above-mentioned ordinances of the Shearmen, one might infer that the workmen in the just-named trades had not yet been under the control of the Gild-masters. But this is contradicted by the fact that in other cases the workmen were at that time generally subject to their authority; as well as by the fact that the City authorities in the year 1415 expressly reproached the wardens of the Tailors' Gild that societies

to marry before they were masters. (On the other hand, we must recollect that Spelman, and Wedgwood after him, hold the true derivation of *paro* to be the Gothic *gori*, *Fris.* *gao*, *gac*, a district, county, village, whence *Fris. garmen*, a villager.—F.)

<sup>1</sup> Riley's *Memorials*, p. 542.

<sup>2</sup> *Ibid.* p. 609.

<sup>3</sup> *Ibid.* p. 542.

existed among their workmen, though those workmen were subjected to the wardens' control. It is possible, however, that in certain trades, and especially in those trades in which—as in the cloth-manufacture—there was a large working-class, the workmen, who themselves had no prospect of ever becoming masters, had up to that time not become apprentices, and did not therefore belong to the Gild; and that they were now for the first time subjected to the authority of the Gild-masters. Perhaps the following enactment of the Leathersellers refers to this: “That *from henceforth* no one shall set any man, child or woman, to work in the same trade, *if such person be not first bound apprentice, and enrolled in the trade*; their wives and children only excepted<sup>1</sup>.”

It appears, however, that the way in which the affairs of the yeomen were regulated by the masters of the Craft-Gild, to which the yeomen now belonged as freemen on the expiration of their apprenticeship, satisfied their wants on the whole; for from thenceforth we know of no further accounts of such fraternities in London. From two laws of Richard II. one may infer that fraternities of this kind existed in other parts of England; for one of these laws enacts, “that no varlets called yeomen” should wear liveries; the other, “that no livery should be given under colour of a Gild or fraternity, or of any other association, whether of gentry or *servants*, or of commonalty<sup>2</sup>.” The ordinances of the Gild of the Tailors at Exeter in the time of Edward IV. show, moreover, that the servants there belonged to the Gild; but the ordinances speak also of a “ffleeshyppe of the Bachelerys<sup>3</sup>,” which was probably a fraternity like that of the Journey-men-Bakers at Copenhagen, which we have already referred to; and it probably stood in the same relations to the Craft-Gild. But to this fellowship there belonged also “schoppe-holders,” probably such as had become masters and had not yet married. One instance that masters and wardens of Gilds really protected workmen against their masters, is furnished by the “Examples of the Control by the Gild<sup>4</sup>” contained in Mr. Toulmin Smith's collection. In the Gild of the Cordwainers of Exeter a certain number of wardens was even regularly taken from the journeymen<sup>5</sup>.

The degeneration of Craft-Gilds—which began, as has already been shown, so soon after they had obtained independence and authority in trade matters in the towns—progressed, after it had

<sup>1</sup> Riley's *Memorials*, p. 547—Ordinances of the Leathersellers, 1398.

<sup>2</sup> Herbert, vol. i. p. 60. Compare also Eden's *State of the Poor*, vol. i. p. 597, note.

<sup>3</sup> Mr. Toulmin Smith's collection, p. 313.

<sup>4</sup> Ibid. p. 322, No. 6.

<sup>5</sup> Ibid. p. 332.

once begun, with increasing rapidity. In the fifteenth century the capitalist quality of the craftsmen becomes more and more prevalent among the requisites for obtaining membership; and ever more numerous become the restrictions by which they endeavoured to seclude themselves, and thus to make the handicrafts the monopolies of a few families. But this was even more the case in the following centuries, and therefore Lord Bacon, speaking of these Gilds, justly describes them as "fraternities in evil."

Accordingly we find in 1503, in 19 Henry VII. cap. 7, a repetition of the restrictions on the "masters and wardens from making any new bye-laws or ordinances concerning the prices of wares and other things, for their own singular profit, until first examined and approved of by the Lord Chancellor, Lord Treasurer, or King's Justices," restrictions which had been attempted in vain, as it appears, by 15 Henry VI. cap. 6. But as the corporations, again acting contrary to this law, arbitrarily raised the entrance-fee of apprentices to 40s., the Act 22 Henry VIII. cap. 40 (A.D. 1530) fixed it again at 2s. 6d. on becoming an apprentice, and at 3s. 4d. on obtaining the freedom of the Gild. In 1536 it became even necessary to pass a law (28 Henry VIII. cap. 5) forbidding the masters of the corporations to take an oath from the apprentices that they should not carry on the trade on their own account without the masters' consent; and also forbidding them to exact sums of money for granting the freedom of the Gild. How little these laws availed against the selfish endeavours of the Craft-Gilds to prevent apprentices from becoming masters, and thus diminish competition, is shown in the account by Stow (edition of 1720, p. 329): "It was a great matter in former times to give £10 to bind a youth apprentice; but in King James I.'s time they gave £20, £40, £60, and sometimes £100 with an apprentice. But now these prices are vastly enhanced to £500, or £600, or £800." In agreement with this is the account that Cromwell granted the Grocers a charter, by which they were empowered to levy a fine of £30 on a member at his admission<sup>1</sup>. The ordinances of the Cutlers of Hallamshire<sup>2</sup>, of the sixteenth century, and of the Framework-knitters<sup>3</sup>, of the seventeenth, show moreover, in the privileges enjoyed by the children of Gild-members, the same tendency to make the trade hereditary which prevailed among the Craft-Gilds on the Continent.

Though the last sums mentioned by Stow probably merely refer to the twelve great companies, yet the general laws under

<sup>1</sup> Herbert, vol. i. p. 183.

<sup>2</sup> Hunter's *History of Sheffield*, p. 119.

<sup>3</sup> *Journals of the House of Commons*, vol. xxvi. pp. 790-794.

Henry VIII., which have been quoted, point to such great difficulties hindering apprentices in all trades from becoming masters, that we can easily understand why they were so exasperated against strangers, who, specially allured and favoured by kings, could carry on their crafts without these hindrances. This exasperation led to repeated insurrections of the apprentices, the first on Evil May-day 1517; another in 1586, against those foreign tradespeople who for the sake of religion had sought refuge in England<sup>1</sup>; and in 1641 it gave rise to a petition from the apprentices to Parliament for measures against the strangers, who took away all their prospects of independent settlement, whilst they themselves had to struggle with so many hindrances<sup>2</sup>.

In Germany also, after the sixteenth century, ordinances against the abuses of the Craft-Gildmen are met with regularly in the laws of the Empire<sup>3</sup>, and especially against the exclusion of whole classes of persons from the Craft-Gilds on account of pretended infamy of birth. On admission to the Craft-Gild, real proofs of nobility—just as in the case of collegiate chapters—had to be furnished at the examination whether a candidate was worthy by his birth of the Gild or not<sup>4</sup>. In the ordinances of individual German States we meet with similar enactments against the heavy expenses on the admission of apprentices as we do in England, and which were followed by similar results<sup>5</sup>. As the apprenticeship did not last seven years, as in England, but only from two to four years, the Craft-Gilds, in order to diminish competition, laid the journeymen under the obligation of travelling, sometimes for five years<sup>6</sup>. Moreover, after the end of the fifteenth century, the making of a masterpiece became a requisite for the right of the independent exercise of a craft. This was a very costly article, and, after all, unsaleable, as the things required

<sup>1</sup> Stow, ed. 1720, p. 333.

<sup>2</sup> *The Apprentices of London Petition presented to the Honourable Court of Parliament*, 1641 (British Museum): "And first we beseech your honours to take into consideration the intolerable abuse of our apprenticeship: for where we by coercion are necessarily compelled to serve seven or eight years at least, before we can have the immunity and freedom of this city to trade in: those which are mere strangers do snatch this freedom from us, and pull the trades out of our hands, so that by these means, when our times are fully expired, we do then begin in a manner to suffer a second apprenticeship to them, who do thus domineer over us in our own trades," &c.

<sup>3</sup> *Reformation guter Polizei zu Augsburg*, 1530, tit. 39; 1548, tit. 36, 37; *Recessus Imperii*, 1551, §§ 83, 84; 1559, §§ 75-80; 1566, § 178; 1570, § 152; *Reichspolizeiordnung*, 1577, tit. 15, 37, 38; *Recessus Imperii*, 1594, §§ 125-127; 1654, § 106; *Conclusum Imperii*, 1731.

<sup>4</sup> See Stock's article on Gilds in Pöltz and Bützau, vol. ii. 1841.

<sup>5</sup> See Berlepsch, vol. ii. p. 235.

<sup>6</sup> Ibid. vol. vi. p. 119.

were frequently altogether useless<sup>1</sup>. Moreover, in spite of ordinances of individual German States to the contrary, the most luxurious inaugural dinners<sup>2</sup> were required, so that the few who found it possible to become masters, generally commenced business in debt. The sons of masters, however, were exempt<sup>3</sup> from all these restrictions, from the appointed term of apprenticeship and the travelling, as well as the masterpieces. Indeed, the tyranny of these family-clubs extended itself to the most intimate relations. Whilst the journeymen were generally forbidden to marry<sup>4</sup>, the masters were required to be married<sup>5</sup>; and sometimes the candidate for the mastership was even obliged to point out an "honourable and virtuous" maiden as his future wife<sup>6</sup>. The descent of the bride or wife was then subjected to the same examination as that of the craftsman himself; but if the latter resolved to marry the daughter or widow of a master, special favours were in store for him. Corporations frequently traded with their freedom<sup>7</sup>, and the latter was often attached to particular houses. Steck says very justly indeed: "A merchant's shop, a brew- or bake-house, a stall in the shambles, the workshop of a smith or shoemaker, resembled a prebend; they were only more difficult to obtain; but they were also worth more than the latter, because they were hereditary<sup>8</sup>." In France also the Craft-Gilds, after the middle of the fifteenth century, hardened into the same narrow-mindedness as in England and Germany, with the same favours to the sons of masters as regards the term of apprenticeship and of travelling, entrance-fees and masterpieces, so that as early as 1614 the Third Estate desired the suppression of these Gilds.

The transformation of the Craft-Gilds into societies of capitalists, exercised of course also an influence on their government; and it appears altogether natural when, in the sixteenth century, we see that government entirely transferred into the hands of the richer Gild-Members. The Gild-Members were at that time in England divided into three classes: the livery, to which the richer masters were admitted; the householders, to which the rest of the masters belonged; and the journeymen belonging to the Gild, who were simply called "freemen," sometimes also "yeomanry" or "bachelors." Instead of the former sovereign meeting of all Gild-Associates, there now appeared a "Court of Assistants," who governed the Gild and enacted its ordinances.

<sup>1</sup> Pilitz and Böllau, vol. II. p. 121 (1841); Berlepsch, vol. II. p. 139. In England also masterpieces were sometimes required; see, for instance, the by-laws of the Company of Framework-knitters; *Journals of the House of Commons*, vol. xxvi. pp. 790-794.

<sup>2</sup> Berlepsch, vol. vi. p. 138.

<sup>3</sup> Ibid. vol. iv. p. 77.

<sup>4</sup> Ibid.

<sup>5</sup> Pilitz and Böllau, vol. II. p. 125 (1841).  
<sup>6</sup> Ibid. p. 122.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid. p. 127.

The first legal appointment of a Court of Assistants is met with under Philip and Mary<sup>1</sup>. After the time of James I., the transfer of the elective franchise from the “*communitas*” to the courts of the companies became general in the charters; and in this manner, what had hitherto existed merely on sufferance became legal. The king appointed the first members of the court for life. As these withdrew or died off, the court itself filled up the number from former Masters and Wardens. But these it likewise chose from amongst the liverymen. To the rest of the Gild-Members, election-day briefly meant the day on which they assembled in the Gild-hall to hear the names of the elected proclaimed<sup>2</sup>. An oath was also introduced for all members, in which they swore to obey the Master and Wardens and their ordinances<sup>3</sup>. Refractoriness towards the Gild, violation of its laws, refusal to accept office if elected,—these were punished as formerly. The charitable regulations also remained the same as in former times.

The transfer of the centre of force from the Meetings of all the Gild-Associates to the Court of Assistants was not always effected without opposition from at least a part of the members, as is proved by a pamphlet of the year 1649 on the Constitution of the Clothworkers’ Company, the successors of the old Weavers’ Gild<sup>4</sup>. According to this pamphlet, a part of the Gild-Associates, relying on the old charters of the Gild, appear to have claimed for the whole body of the Gild-Members, both the right of electing their Wardens, as well as of framing ordinances. Against this the said pamphlet endeavours to prove, with the most arbitrary misrepresentation of the sense and the words, that the word “commonalty” in the old charters meant, not the collective body of Gild-Members, but only the Master, Wardens, and Assistants. A glance at the charters shows at once the untenability of this assertion<sup>5</sup>. The transfer of the supreme authority rested rather, as it seems, on ordinances of the Gild. However, the democratic party failed in their endeavours.

<sup>1</sup> Herbert, vol. i. p. 118.

<sup>2</sup> Ibid. vol. ii. p. 652, &c.

<sup>3</sup> Ibid. vol. i. p. 188, &c.

<sup>4</sup> One copy of this pamphlet is in the Corporation Library, Guildhall, and two copies in the British Museum. In all three the title is wanting. One of them is in the collection of pamphlets of the year 1649 given by George III. to the Museum, and has attached to it a sheet of writing-paper, on which is written in ink: *Chitwin’s Collections of ye Company of ye Clothworkers Priuileges, Aug. 1649.*

<sup>5</sup> *The Charter of the Company of Clothworkers of London*, London, printed in the year 1648 (British Museum).—During my stay in London, the same struggle was going on in the Watermen and Lightermen’s Company between the masters and the men, the latter being represented by the Thames Working-Lightermen and Watermen’s Protection Society, as I was informed by the Secretary of this Society.

The possession of large capital, which became more and more a requisite for the independent exercise of a trade, would impair more and more the prospects of workmen becoming masters, and would call forth an ever-increasing antagonism between the interests of workmen and masters<sup>1</sup>. It is evident that, under these circumstances, special laws and organizations became necessary for the workmen. In Germany, where the Craft-Gilds were governed as in England, by one master and eight councillors,—except that in Germany the government did not degenerate into such an oligarchy as in England, because the collective body of Gild-Members always elected the governors,—we meet with such organizations in connection with the system of the travelling of journeymen which had become obligatory since the sixteenth century.

It was a difficult task to live in a large town, in a foreign land, with a very scanty supply of cash, until the wandering journeyman had convinced himself, after many inquiries, whether there was work to be had in the place. At the same time it was a matter of importance to the masters living in a town to have the means of finding out whether there were journeymen in search of work, so that in case of necessity they could at once obtain hands for their workshop. Both these wants were met when the host (*Herbergswater*, father of the inn) appointed to the charge of the house of the Gild (the so-called *Herberge*, inn) was obliged to take in every one who could furnish proof that he was a journeyman of that particular craft. When, then, a travelling journeyman arrived, who wanted work, the host was able to give him the necessary information, for there was in the house a list of all the masters who were in want of journeymen. If several masters had asked for men, he who was first on the list received the first journeymen who arrived; but the master who had more journeymen, had always to give place to him who had fewer in his workshop. Sometimes a special master or a journeyman was appointed by the Gild to look out for work for the wandering journeymen<sup>2</sup>. If the journeyman found no work, he received in various crafts (the so-called *geschenkten*, donation-giving ones) a sum of money to support him on his journey to the next town, which was called the donation (*das Geschenk*): this came not merely from a fund which the journeymen had formed amongst themselves for that purpose, but the masters also contributed towards it<sup>3</sup>. There are a series of ordinances referring to cases

<sup>1</sup> The true employer's spirit is already to be seen from the pamphlet, *Relief of Apprentices arranged by their Masters*, London, 1689 (British Museum).

<sup>2</sup> Already ordained by the *Reformation gütter Polizei*, 1550, III. 25.

<sup>3</sup> Berlepsch, vol. iv. pp. 73, 74.

in which a journeyman was to forfeit the donation; and as the Imperial laws<sup>1</sup> which at first forbade altogether the giving of donations (on account of the abuses connected with the system) had no effect, they were contented with restricting it.

In the more important trades in Germany this system of travelling led to the formation of special fraternities of journeymen, which so strikingly resemble the Trade-Unions, that a description of them may be of interest. The following account is derived principally from the Statutes<sup>2</sup> of the "Shoe-servants"<sup>3</sup> of Arnstadt in Thuringia in the year 1628. As the Introduction informs us, these rules were ordained at the request of the masters of the Shoemakers' Gild of that town. It narrates that of old the Shoe-servants had a fraternity, imposts, and some Articles; but that since these had fallen into abeyance, and the Articles had been destroyed in the great fire, the masters had decided "to get some new Articles confirmed, especially as in these evil, unquiet, and perverse times it was highly necessary to establish and maintain sound discipline and honesty in the crafts." In the first place, an inn was established, where all wandering journeymen had to turn in. The host was called Father; the housewife, Mother; the daughters and maid-servants, Sisters; the sons and servants, Brothers<sup>4</sup>. To call them otherwise was an offence for which there was a fine. The greatest reverence had to be paid to the Father and Mother. In this inn the Shoe-servants could obtain a meal for two *groschen* ( $2\frac{1}{2}d.$ ), and a night's lodging for four *pfennige* (about a halfpenny). Work was also found for him here; and no wandering Shoe-servant was allowed to enter the service of a master before he had been at the inn. The fraternity was governed by the whole body of Shoe-servants, who met every fortnight for this purpose. Religious service was held before every meeting. All Shoe-servants had to attend the meeting, with the exception of masters' sons who worked with their own father; for as they were not obliged to travel, the chief object of the fraternity did not concern them. But masters' sons who did not work with their father were obliged to appear. Those who came late were fined. Two elders presided at the meetings. But no meetings could take place, no regulations could be framed, and no decisions come to without the

<sup>1</sup> See the *Reformation guter Polizei*, just mentioned, and *Conclusum Imperii*, 1731, § 7.

<sup>2</sup> Berlepsch, vol. iv. pp. 67-72.

<sup>3</sup> The German word is "Schuhknechte," i. e. shoe-servants. The journeymen Shoemakers were thus called in Germany up to the year 1799, when, at Nürnberg, they first got to be called "Geselle" (Berlepsch, vol. iv. p. 67).

<sup>4</sup> For the identical way of naming amongst the French "Compagnonnage," compare Simon, *Étude sur le Compagnonnage*, p. 154.

presence of the masters' deputies, who were elected annually. The journeymen had also their own box, containing their Articles, their seal, and whatever other documents or valuable effects the fraternity possessed. The box was provided with two, and sometimes with three, locks, the keys of which were kept respectively by one of the elders and one of the masters, so that neither could open the box in the absence of the other. The seal of the journeymen could only be used with the consent of the whole fraternity and the deputed masters. The opened box was the sign that the meeting had begun, just as with the Craft-Gilds. While, therefore, the box was open, all present had to remain with uncovered heads, and during such time all disrespectful conduct, as well as improper clothing, cursing and swearing,—in short, all that showed want of respect,—was severely punished. On the other hand, we find that, whilst the box was open, a social cup was handed round, to the expense of which all had to contribute. One of the elders had to collect this, as well as the other contributions; and in case he neglected this or any other duty, he incurred punishment. The other contributions of the members consisted in one *groschen* ( $1\frac{1}{2}$  d.) entrance-fee, in a fortnightly contribution of six *pfennigen* (about three farthings), with one *groschen* ( $1\frac{1}{2}$  d.) every quarter. In return the members received support in sickness, for which, however, they had to make repayment if they were restored to health; and in the event of death they were buried at the expense of the fraternity. All journeymen had to attend the funeral; and this was also the case when any member of a master's family died. The Statutes contain, besides, regulations for promoting orderly conduct and good morals among the Shoe-servants. Associating with common women, playing at dice, immoderate drinking, inducing others to drink, gaining, and such-like things, were all punished. No one was allowed to go about the streets except in decent clothes; and all who insulted or calumniated others were also punished.

Much the same were the journeymen fraternities in all trades<sup>1</sup>; except in the Stonemasons', for every individual master stonemason, with his journeymen, formed a fraternity<sup>2</sup>. The societies of the French "compagnons" corresponded to these organizations; except that with them I know nothing of a superintendence by the masters. There were in both the same ceremonies<sup>3</sup>.

<sup>1</sup> See Berlepsch, vol. vii. pp. 162-168; vol. ix. pp. 76-89.

<sup>2</sup> Ibid. vol. viii. p. 192.

<sup>3</sup> See in Berlepsch, vol. ii.-ix., the chapters on the journeymen and their customs; also Simon, *Sur le Compagnonnage*, and Agricol Perdiguier, *Le Livre du Compagnonnage*, Paris, 1857.

upon admission, on entering the inn, on meeting together, and so forth; and though these may be partly explained by the intention of the journeymen thus to enhance in their own eyes the importance of their state, so rich in toil, yet these ceremonies must nevertheless be considered to a great extent as absolutely absurd. As neglect of these formalities was severely punished by the journeymen, they drew down upon themselves severe enactments from the German Imperial Legislature<sup>1</sup>; and in France the *Compagnons Cordonniers et Tailleurs* of Paris fell in consequence under the greater excommunication in 1648<sup>2</sup>.

Especially interesting too, with regard to modern Trade-Unions, is the Craft-Gilds' practice of punishment by *Schelten*, reviling, i.e. declaring any one infamous<sup>3</sup>. Both master and journeymen were reviled in this manner; and, indeed, on the most silly grounds, as, for example, when any one had killed a cat or touched a dead dog; so also for infringements of Gild principles, as when any one enticed away another's custom. Indeed, whole Gilds imposed such interdicts upon each other. Every Gild and every journeymen's fraternity kept a "black list." In this, as well as in the testimonials of travelling journeymen, the names of the reviled were entered, so that the warning against them spread through the whole country. As soon as the journeymen heard of the occurrence of such a reviling, they turned out of the workshop of the reviled master, or refused to work with the reviled journeyman, until these had made atonement, and were again recognized as honourable by the governing body of the Gild<sup>4</sup>. This reviling was the most severe punishment that the Gilds could inflict on refractory members; and though the strike was not then a legal means of coercion—for the Imperial laws were violently opposed to it—yet this shows that it was at least recognized as such by the employers<sup>5</sup>.

But frequently—as, for example, when the Gild omitted to

<sup>1</sup> *Conclusum Imperii*, 1731, § 9.      <sup>2</sup> Simon, *Sur le Compagnonnage*, p. 74.

<sup>3</sup> In the early Middle Ages every creditor used to revile thus his debtor on non-fulfilment of his obligations. See Gengler, *Deutsches Privatrecht*, Erlangen, 1854, p. 198.

<sup>4</sup> Pöltz and Bülau, 1843, vol. i. pp. 359-364.

<sup>5</sup> The possession of still greater power by the journeymen is shown by the contest between the Chapter of the cathedral at Magdeburg and the journeymen Smiths of that city, in the year 1600. The Gild of Smiths at Magdeburg extended also over the surrounding small towns and villages; but the jurisdiction over the masters and journeymen who lived there was exercised, not by the Gild, but by the journeymen Smiths of Magdeburg. This relation was even recognized by the government, and in the contest of 1600 the journeymen compelled it to carry out their wishes, by threatening to leave the workshops and even "to stop the masters' hammer." Indeed, the Chapter was obliged to pay them a fine of a hundred thalers. Pöltz and Bülau, 1843, vol. i. pp. 365-369; printed also in Berlepsch, vol. vii. pp. 72-75.

punish a master who had infringed any of the trade customs of the journeymen, or who in their judgment was not honourable, or when the masters, by means of the local authorities, had carried a resolution which was to be entered in their book of Articles—all the journeymen of a place struck work, and then wrote to the journeymen of other districts, warning them from coming to the places of strike<sup>1</sup>. Such occurrences took place especially at Mayence, Würzburg, Augsburg. The most famous of them, that of the Augsburg Shoe-servants<sup>2</sup> in the year 1726, was in fact the cause of the Imperial decree of 1731, which was directed against this and several other abuses of the handicrafts. The Imperial laws, however, were never carried out, and the decrees of the territorial princes remained ineffectual, since the handicrafts throughout the whole of Germany hung together. Further tumults on the part of the journeymen led at last to the entire suppression of their fraternities. In many parts of Germany, however, they existed till the present century<sup>3</sup>.

Among all these seditions, though, I do not know one which had its origin in disputes about wages. It was rather presumed infringements of privileges, innovations in trade customs and the like, which always produced the uprising. In France, it is true, we already find strikes on account of wages<sup>4</sup>. On the whole, however, these situations show a tolerable understanding between master and journeymen. The special associations of journeymen are much rather supplements of the Craft-Gild-organization, than confederations directed against the masters: nowhere do we find a trace of opposition against the prevailing trade-system, as such, like we see in the quarrels between our Trade-Unions and their employers; the old disagreements seem merely like family disputes between parents and children.

But while in Germany and France the working-class was thus completely organized, and even to a certain degree governed itself under the superintendence of the masters, we must ask whether a similar state of things did not exist among English working-men? The "Acte towchinge Victuallers and Handycraftmen," 2nd and 3rd Edw. VI. c. 15 (1549), forbids, it is true,—jointly with the conspiracies and covins of the sellers of victuals "to sell their victuals at unreasonable prieses,"—all "confederacies and promises of the artificers, handicraftsmen, and labourers; not only that they should not meddle with one another's work, and perform and finish what one hath begun; but also to constitute and appoint how much work they shall do

<sup>1</sup> Berlepsch, vol. iv. p. 77.

<sup>2</sup> Ibid. p. 142.

<sup>3</sup> Weisser's *Recht der Handwerker*, Ulm, 1823, p. 73.

<sup>4</sup> Ouln-Lacroix, pp. 15, 16.

in a day, and what hours and times they shall work ;" and, besides, "that they should not make nor do their works but at a certain rate." But all regulations forbidden in this Act recur frequently in the bye-laws of companies ; they therefore in no way originated in agreements of workmen only, but as much in those of masters. Moreover, whilst the word "*labourer*" certainly does not refer to the skilled workmen of the crafts, but probably only to labourers in agriculture, the prohibition of confederacies of "*artificers and handicraftsmen*" is directed as much against the masters as against the workmen of the crafts. And the act forbids, in the same breath with the confederacies of the craftsmen in general, all conspiracies of "divers sellers of viuetals" for raising pries. This Act, therefore, does not refer at all to combinations similar to those of our working-men of the present day (as is the prevalent explanation), but is simply an attempt to cheek the increasing abuses of the Craft-Gilds, and this especially in the trades providing for men's daily wants, where such abuses would be felt most severely. This explanation, which is at once proved by a closer examination of the Aet itself, is moreover confirmed when the Aet is compared with its German counterpart, the Imperial Code of Police of 1577, title 37<sup>1</sup>. This law contains absolutely identical prohibitions ; but these apply avowedly as well to the masters as to the workmen of the crafts. But in any case, the 2nd and 3rd Edw. VI. c. 5 refers only to transitory combinations, and the existence of a regular organization of the working-class cannot be inferred from it.

The account in Stow<sup>2</sup> of the rising of the London apprentices, "when some of their *brotherhood* have been unjustly, as they pretended, cast into prison and punished," rather points to the journeymen's fraternities of the Continent. Their outbreaks against the foreigners I have already noticed. In the seventeenth century also they often acted as a body, and expressed their opinion on all religious and political questions of the time<sup>3</sup>. Espeially interesting in this place is the fact, that when

<sup>1</sup> *Reichspolizeiordnung*, 1577, tit. 37—Of Crafts in general : "We have also heard as certain, that the craftsmen in their Craft-Gilds, or otherwise, conspire and combine, that no one shall sell his finished labour or work by open sale for more or less than the others ; and they thus raise the prices in such sort, that those who need their labour, and wish to buy, must pay at their (the craftsmen's) pleasure, &c. We therefore declare our earnest opinion and desire, that this shall henceforth be in no way suffered by the authorities, but that they shall watch over it : where the crafts offend however against this, they shall be punished by the authorities according to circumstances, without mercy."

<sup>2</sup> Stow, edit. 1720, pp. 332, 333.

<sup>3</sup> See *The Honour of London Apprentices exemplified in a brief Historical Narration*, London, 1647 (Brit. Mus.) ; further, the account in Godwin's *History of the Commonwealth*, vol. ii. p. 368, "how the apprentices entered Parliament and forced the Speaker and the members to put the question and pass the votes they

Cromwell had abolished the feasts of Christmas, Easter, and Whitsuntide, "and other festivals commonly called holidays," as tending towards superstition, and had introduced the strict puritanical observation of Sunday, the apprentices, who by this "were not only deprived of the benefit of visiting their friends and kindred, but also of all set times of pleasure and lawful recreations," petitioned<sup>1</sup> Parliament for the appointment by law of one day in every month for these purposes; and Parliament thereupon set apart for them the second Tuesday in every month<sup>2</sup>. The masters, as it appears, were in no way pleased at this, and curtailed their apprentices in the enjoyment of their "play-days"<sup>3</sup>; whereupon Parliament, on a further petition from the apprentices, ordered that on these fixed play-days all shops should remain closed<sup>4</sup>.

In deciding the question whether there existed special organizations of the journeymen within the Crafts, an ordinance of the Clothworkers' Company appears also worthy of consideration: "The Master, Wardens, and Assistants shall choose the warden of the Yeomanry; they shall govern the Yeomanry in such sort as in former times has been used<sup>5</sup>." Were these wardens of the Yeomanry the same as the masters who, as in the German Gilds, were delegated to the fraternities of journeymen? And may we therefrom form a conclusion as to the existence of fraternities of like nature in England? The ceremonies which were customary among the Trade-Unions in the woollen manufacture down to the thirtieth year of the present century, show such a striking similarity to those of the German fraternities of journeymen<sup>6</sup>, that the supposition suggests itself of a derivation of those Trade-Unions from the old journeymen fraternities. Yet I willingly admit that in

required;" see also Malcolm's *Antiquities of the Manners and Customs of London*, 1811, p. 190.

<sup>1</sup> *Two Humble Petitions of the Apprentices of London and parts adjacent, for Lawful Recreations, &c.*, London, 1646 (Brit. Mus.).

<sup>2</sup> See the *Ordinances of the Commonwealth*, anno 1647, cap. 81, for abolishing festivals.

<sup>3</sup> See the *Humble Remonstrance of the Apprentices of the City of London*, 1647 (Brit. Mus.).

<sup>4</sup> See the *Ordinances of the Commonwealth*, anno 1647, cap. 83—Dales of recreation allowed unto Scholars, Apprentices, and other Servants.

<sup>5</sup> Herbert, vol. ii. p. 657.

<sup>6</sup> See the customs of the German journeymen in Berlepsch, vols. ii.-ix. The ceremonies of those Trade-Unions I found in a pamphlet avowedly written in the interests of the employers, *Character, Object, and Effects of Trade-Unions*, London, 1834, p. 67. They are again printed in a book by Ward (*Workmen and Wages, at Home and Abroad*, London, 1867, p. 102), plagiarized in the most shameless manner—with a disregard of the passages which even in that pamphlet are favourable to the workman—both from the above, and from another, *On Combinations of Trades*, London, 1831. And this one-sided plagiarism its author then dedicated to Mr. Gladstone!!

default of all other information on such organizations<sup>1</sup>, this hypothesis does not appear tenable, unless further proofs should be produced<sup>2</sup>, especially as in England the journeymen were never obliged by the Gild-Statutes to travel for a certain number of years, whilst in Germany and France all journeymen's associations owed their origin to this system of travelling.

As to the general position of the workmen in the sixteenth and seventeenth centuries, and especially as to the relations between masters and men, we find from the above ordinances of the English Clothworkers, that "controversies between the livery and their apprentices were to be settled in the old way before the master at the Common Hall," and that "journeymen should make no unlawful assemblies, brotherhoods, congregations, and flockings together." The Gild-Statutes of the sixteenth and seventeenth centuries further ordain regularly, that "no person of the mystery was to hire himself to a person of another mystery, where greater wages were offered; no journeyman should work with any of another fellowship, if he can be set on work by a freeman of his own art;" no member was to suffer his apprentice or servant "to buy and sell to his own use, or that of persons of other mysteries," such practice having brought masters "to an after deale and sore damage." On the other hand, we find a

<sup>1</sup> Since I sent the above to the printer I have found among my extracts a note taken from the *Journals of the House of Commons*, vol. lxxix. pp. 322-324, which supplies some further information. According to a Report of a Committee of the House in 1794, on Petitions of the Woolcombers complaining of the use of the "Gig-mill," there existed then a club among the Woolcombers. Out of a hundred workmen there was not one to be found who did not belong to it. Every member had to pay contributions according to the wants of the society. Its object was to assist journeymen travelling in search of work, when work was scarce, and to relieve the sick and to bury the dead members. Everybody wishing to get relief must be in possession of testimonials of the society as to his proper conduct as a Woolcomber and as to his honesty. Whoever deceived the society lost his claims to such testimonials and to relief from the funds. The objects of this club, it is seen, were the same as those of the German *Gesellenluden* and the French *compagnons*. If we add to this, that the just-quoted records of ceremonies among Trade-Unions refer to Woolcombers also, the suggestion made in the text seems greatly corroborated. The fact that the modern Trade-Unions call the assistance given to members out of work simply "donation," the translation of the "Geschenk" of the German journeymen's fraternities, seems also worth noticing. There is however one difference to be noted. The said Woolcombers travelled only when work was scarce, while the "wandering" of the German, and the *Tour de France* of the French journeymen, were obligatory. This, as well as the date, make me therefore inclined to consider this Woolcombers' Club as a Trade-Union for assisting men thrown out of work by the Gig-mill, which may perhaps, however, have descended from an old journeymen's fraternity.

<sup>2</sup> It is remarkable that whilst there exists a rich German literature from the seventeenth century on Craft-Gilds, and especially on the position of the workmen in these Gilds, nothing on this subject is to be found in England. Most of the authors who have written on it in Germany were professors of universities or students, who had to write a dissertation in order to take their degrees.

series of regulations, of which the maintenance became in later times the main object of Trade-Unions. "No person was to exercise the trade, who had not served an apprenticeship of seven years, or been instructed by his father for that term;" no member was to instruct anybody in the trade, except his male children and apprentices regularly bound; no member was to employ any workman except he were free of the company; no journeyman was to work with a non-member. Further, "None shall lend out or put forth any of his apprentices to work with any other, because it will hinder and take away the living of free journeymen; no foreigner shall be employed before a free journeyman; no householder shall keep above two apprentices at one time, except he employ a journeyman freeman, and then he may keep three; every master, warden, and assistant may keep three;" or as in Sheffield, "No person to have more than one apprentice in his service at one time, nor to engage another before the former be in his last year, nor take any for a less term than seven years<sup>1</sup>." Besides, other accounts of the seventeenth century show that, in the trades in which these restrictions were not maintained—either because they were not corporate, or because the 5th Eliz. c. 4 did not apply to them, or because the regulations of the Gild or the Statute were not observed—the workmen, in consequence of the abuses practised by their employers, had fallen into the very hardships for the prevention of which the Trade-Unions in the eighteenth and nineteenth centuries have striven to maintain those old regulations<sup>2</sup>.

<sup>1</sup> See Herbert, vol. ii. pp. 656, 657, and vol. i. p. 191; also Hunter's *History of Sheffield*, p. 119, and *Journals of the House of Commons*, vol. xxvi. pp. 790-794.

<sup>2</sup> See "The Case and Proposals of the Free Journey-men Printers in and about London, humbly submitted to consideration. Licensed Oct. 23, 1666." "Whereas there are at this present in and about the City of London, to the number of a hundred and forty Workmen Printers, or thereabouts, who have served seven years to the art of Printing, under lawful Master Printers, and are reduced to great necessity and temptations for want of lawful Employment, occasioned partly by supernumerary Apprentices and Turn-overs, which have increased the number almost to twice as many on the whole, as would be sufficient to discharge all the publick and lawful work of the kingdom, The Workmen Printers above-mentioned, &c. propose: 1. That no Foreigners (that is to say) such an one as has not served seven years to the art of Printing, under a lawful Master Printer, as an Apprentice, may be entertained and employed by any Master Printer for the time to come. 2. That a provision may be made to hinder the increase of Apprentices and a limitation appointed as to the number, &c. 3. That no Turn-overs be received by any Master Printer, but from a Master Printer; and that no Master Printer turning over any Apprentice to another Master Printer may be permitted to take any other Apprentice in his place, till the full time of the said Apprentice as turned over be expired: for otherwise, the profusion and limitation of Apprentices will be evaded, and the number supplied by Turn-overs," &c. (British Museum.) Compare also the preamble of "An Act for the good order and government of the Makers of Knives, &c. and other Cutlery Wares in Hallamshire, in the county of York, and parts near adjoining" (21 Jac. I. 1624).

As the Craft-Gilds everywhere had sunk down to mere societies for the investment of capital, and as their dividends depended entirely on the exclusion of competition, it was unavoidable that the spirit of gain should lead them to restrictions which became always more oppressive for the public. The annoyances they caused were considerably increased by a process which, after the sixteenth century, was of frequent occurrence in all countries: those Craft-Gilds namely, which had hitherto comprised kindred crafts, split up into several, according to the individual trades. These then watched each other with the utmost jealousy in order to prevent encroachments on their mutual rights, and continually fought each other in endless law-suits. Thus, for instance, the Fletchers and Bowyers in London separated themselves into two corporations in the reign of Elizabeth<sup>1</sup>. One might wonder that, on the one hand, the workmen, whose position was so much deteriorated—by the degeneration of the Craft-Gilds, did not at once overthrow their dominion, as the Craft-Gilds had formerly superseded the degenerated Gilds of the patricians (pp. ex, exi above); and that, on the other hand, the State did not, in the interest of the public, take any steps towards the abolition of the Gilds, which had already been desired so often. But as to the working-men, though their position, and especially their prospects, had been greatly deteriorated by this degeneration of the Craft-Gilds, their interest was rather a reformation, than the abolition, of those bodies. The Craft-Gilds maintained a number of regulations, which protected the working-men, and in consequence of which their material position appears comfortable and free from cares, if compared with that of the factory hands at the beginning of this century, when these regulations no longer existed. Uprisings of working-men are therefore to be found in those days only in consequence of infringements of Gild-regulations. But as for a reformation of the Craft-Gilds according to the interests of the working-men, the latter were not powerful enough to carry it out against their masters. These still held strongly together in their Gilds, and did not yet, as in later times (and as formerly the patricians), rival each other in weakening competition. The State also had changed, and no longer consisted, as before, of an organization of many smaller states. As, after the sixteenth century, the State became in all countries continually more centralized by its kings, it was not possible for the journeymen to act with the same facility as the craftsmen had acted in former times in the towns. More-

<sup>1</sup> See Herbert, vol. i. p. 175.

over, owing to the men's isolated method of working, they had not yet acquired the same feeling of solidarity, or the same consciousness of the power of masses, as our factory hands since have. And as to the State abolishing the Craft-Gilds—kings used the bourgeoisie as a support; first, as Henry VII. in England, against the nobility<sup>1</sup>; and then, because they needed them for pecuniary reasons. The capitalists had yet to attain the same dominion in the State, which in the fourteenth century they had obtained in the towns.

The first loan to the kings by the Gilds in England was made to Henry VIII.<sup>2</sup> in 1544. Thereupon followed, under the pretence of a holy zeal for the purity of religion, the most shameless confiscation of the whole property of the Craft-Gilds in favour of the king's private purse, by 37th Henry VIII. c. 4, and 1st Edward VI. c. 14—for the donations of which this property consisted had always in Roman-Catholic times been charged with yearly payments for supporting chantries for the souls of the respective donors. The corporations of London had to redeem their property with £18,700. From this period the extracting of money from the trading corporations became a regular source of supply to Government. In most manifold ways Elizabeth, and afterward James and Charles, contrived to screw out of the Companies their wealth. This was especially managed by the granting of patents for monopolies, and for the oversight and control of different trades, to courtiers, by which the public suffered quite as much as the Companies. During the Civil War too, and the Commonwealth, the Companies had to suffer great exactions and oppressions<sup>3</sup>.

But the causes of the overthrow of the Craft-Gilds arose in the bourgeoisie itself. These causes were, the rise of large capital, and its investment in manufacture. The 2nd and 3rd Philip and Mary already indicates the commencement. After stating that "the rich clothiers do oppress the weavers, some by setting up and keeping in their houses divers looms, and maintaining them by journeymen and other persons unskilful; some by engrossing of looms into their hands, and letting them out at such unreasonable rents as the poor artificers are not able to maintain themselves by, and much less their wives and families; some again by giving much less wages for the workmanship of cloth than in times past, whereby they are forced utterly to forsake their occupations, &c.; it is enacted that no clothier, living out of a city, burgh, or market-town, shall keep more than two looms, nor more than two apprentices," &c. In short,

<sup>1</sup> See Herbert, vol. I. p. 109.

<sup>2</sup> Ibid. p. 112.

<sup>3</sup> Ibid. p. 113, &c.

the Act endeavours to protect the small masters against the competition of the rich capitalists. But neither this Act nor all the other attempts of the corporations could restrain the process of development, which, especially in consequence of a series of technical discoveries, threw manufacture altogether into the hands of the large capitalists. Handicrafts, and the corporations together with them, lost continually in importance, and only made themselves hated and despised in their endeavour to arrest the natural progress of events. I need not enter into the details of these excesses of the Craft-Gilds; for as the merits of the following system consisted chiefly in these faults of the former, and as in consequence of this peculiar kind of merits the followers of the new era were not restrained by modesty from self-praise, the Craft-Gilds' faults are universally known<sup>1</sup>. These excesses caused the removal of the trades carried on under the new system, to places free from the influence of corporate control. Birmingham, Manchester, and other places of kindred note, owe to this their career of prosperity, which was soon to leave the ancient cities and boroughs far behind. The competition of the Great-Industry rising in the new cities deprived the old corporations of their real essence, by making the attainment of their chief objects illusory, and thus turned them into mere empty shadows of their previous grandeur. In France the sovereign people finally swept the corporations away in the night of the 4th August, 1789. In Germany, several bureaucratic enactments brought them piecemeal to death, and the last remnants were destroyed by the North German Industrial Code of 1869. In England they died out gradually before the newly-rising Great-Industry; and all that remains of the ancient Gilds in the Livery-companies of to-day, is the common eating and drinking.

Yet in England there grew up successors to the old Gilds, in the Trade-Unions of working-men, which, like the first Gilds of the old freemen, sprang up as a defence against the great capitalists, who, like ever the strong, competed with each other at the expense of the weak.

<sup>1</sup> See however the account of the London Framework-knitters' Company in Part V.

## V. THE ORIGIN OF TRADE-UNIONS.

TRADE-UNIONS are the successors of the old Gilds. With this assertion I concluded the foregoing part of this Essay. It is far from being a new statement. On the contrary, friends and enemies of these associations have repeatedly, in words and print, pointed at their connection with the old Gilds, the former to justify, by this pedigree, their existence, the latter to condemn them at once by describing them as continuations of institutions considered for long, and generally, at best as antiquated. Their enemies, by the dodge of applying to them the epithet of "long-condemned associations for the restriction of trade," generally dispensed with all further inquiries into the real results of their working.

Indeed, every reader of the foregoing pages who has ever made himself familiar with the rules of a Trade-Society, or with one of the numerous blue-books inquiring into the organization of Trade-Societies, must grant at once their similarity to the Craft-Gilds. But notwithstanding this striking likeness, and the numberless writings on the subject of Trade-Unions, nobody has yet inquired historically how these Unions originated<sup>1</sup>, and how far they may really be considered as the descendants of the old Gilds. All opinions on this point which I have yet met with are vague, and, as I am obliged to say, far from corresponding with the reality. The most plausible theory is expounded by Mr. Ludlow in one of the best papers ever written on Trade-Unions<sup>2</sup>. According to his idea, the first Trade-Unions originated in the capitalist-masters withdrawing from the Craft-Gild, so as "to confine it to the operative class, so that

<sup>1</sup> Mr. Thornton's chapter *On the Origin of Trades' Unions* (in *The Fortnightly Review*, New Series, vol. ii. p. 655, and in his work *On Labour and its Claims*) bears the same relation to the real origin of Trade-Unions, as Rousseau's *Contract Social* to the historical origin of States.

<sup>2</sup> *Trade-Societies and the Social Science Association*, in *Macmillan's Magazine*, February and March, 1861.

the Gild would necessarily merge in the Trade-Society." He accordingly says, "The Trade-Society of our days is but the lopsided representative of the old Gild, its dwarfed but lawful heir." For the historical proof of the identity between the two, he refers to Mr. Hill's *Account of Trade-Combinations at Sheffield*<sup>1</sup>.

Considering only the rules and restrictions prevailing in the old Craft-Gilds, and comparing them with the regulations which our modern Trade-Associations, existing only among workmen, try to enforce, one might feel inclined to accept this opinion at once. But the fact is, that in no one single instance did such a withdrawing of the masters from the Craft-Gild, leaving it to the workmen alone, ever take place. On the contrary, I think it more probable that the masters generally remained in the corporation, to prevent its bye-laws being enforced against them, and to annihilate its influence. Such, at least, was the case at Sheffield—as I will show further on—or the audience of Mr. Roebuck's declamations against the United States, the still existing Cutler's Company in Hallamshire, would have consisted of the same persons as returned Mr. Mundella for Sheffield! Trade-Unions are no lopsided representatives of the old Gilds; they are complete Gilds themselves, as well as the Town-Gilds and Craft-Gilds. And when calling them the successors of the old Gilds, I did not mean to designate them as continuations of the Craft-Gilds, nor do I think that their descent from these now certainly antiquated societies could justify their existence. But if I succeed in proving that wherever we find in a trade the first formation of such unions among the workmen, and if, wherever more detailed records of their origin are extant, we see them arising under the same circumstances and for the same objects as the Frith-Gilds and Craft-Gilds previously arose, that is, under the breaking-up of an old system, and among the men suffering from this disorganization, in order that they may maintain independence and order, I think that this, together with the identity of their organization with that of the Gilds, will not only justify me in calling the Trade-Unions the successors of the latter, but will justify as well the existence of the Unions, as I shall then have proved that certain circumstances of disorganization, if unchecked by stronger restrictions<sup>2</sup>, call forth necessarily in

<sup>1</sup> *Trades' Societies and Strikes. Report of the Committee on Trades' Societies appointed by the Social Science Association*, London, 1860, p. 521.

<sup>2</sup> The want of a similar growth of Trade-Societies on the Continent must be accounted for by the military sway prevailing there at the end of the eighteenth and the beginning of the nineteenth century, which suppressed all kinds of meetings and unions, and by the absence of a similar disorganization of trade to that which prevailed at that time in England.

all times the same organizations into Gilds. Indeed, in our time of physical and economical law-making, one might call this a historical law.

Our inquiry makes it necessary that we should first of all represent to ourselves the regulations of the Statute of Apprentices, the 5th Elizabeth, c. 4, which codified the order existing for centuries among the Craft-Gilds, and applied it to all the trades of its time. There were indeed combinations and associations similar to Trade-Societies already before 1562. But, as I have shown in Part IV., they were but exceptions, occurring chiefly in the building-trades<sup>1</sup>. And the very fact of their occurring in the building-trades in the Middle Ages, is another proof of the justness of the theory which I am going to put forward in these pages; for these trades resembled entirely our modern manufactures, with their small number of masters and their masses of workmen, with sub-contractors, and deductions from wages. And as to the 2nd and 3rd Edw. VI. c. 15, it has been shown above<sup>2</sup> that this statute refers, not to associations of journeymen like our Trade-Societies, but to the abuses of craftsmen in general.

According to the 5th Eliz. c. 4, no one could lawfully exercise either as master or as journeyman, any art, mystery, or manual occupation, except he had been brought up therein seven years, at least, as an apprentice. Every householder dwelling in a city, town-corporate, or market-town, might take apprentices for seven years at least. But only those youths might be taken as apprentices whose parents possessed a certain fortune; and none could be bound but those who were under twenty-one years of age. Whoever had three apprentices must keep one journeyman; and for every other apprentice above three, one other journeyman. As to journeymen, it was enacted that, in most trades, no person should retain a servant under one whole year, and no servant was to depart or be put away but upon a quarter's warning. The hours of work were fixed by the Act to about twelve hours in summer, and from the day-dawn till night in winter. Wages were to be assessed yearly by the justices of the peace or the town-magistrates, at every general Sessions first to be holden after Easter. The same authorities were to settle all disputes between masters and apprentices, and protect the latter. The 1st Jac. I. c. 6 expressly extends this power of the justices and town-magistrates to fix wages, to the wages of all labourers and workmen whatever.

It is evident that, as long as the regulations of the Statute of Apprentices were maintained, the position of the workmen was

<sup>1</sup> See p. cxliv, above.

<sup>2</sup> See pp. civl, civill.

secure. The long term of service assured them the regularity of employment, which they desired above everything. The magistrates were, according to the intention of the Act, to assess the wages so as to "yield unto the hired person, both in the time of scarcity and in the time of plenty, a convenient proportion of wages;" and the hours of work were not excessive, especially as the manner of carrying on industry was not then so exhaustive as it is now-a-days. Besides, the restrictions as to apprentices prevented a too great competition from lowering the skilled workmen to the level of common labourers. But as Adam Smith<sup>1</sup> tells us, the operation of this statute was limited by interpretation to cities, towns-corporate, and market-towns, and to those trades only which were established in England before the 5th Eliz.

In order to prove my assertion, that the Trade-Unions originated with the non-observance of these regulations, I will now successively consider, first, some of the trades subject to the 5th Eliz. c. 4; then, some of those which were incorporated by charter; and lastly, some which were free from any restrictions, whether by charter or Acts of Parliament.

The woollen manufactures were the old staple trade of England. I have already spoken in Part IV. of the great importance of the Craft-Gilds of the Woollen-weavers; and we have seen how the great number of workmen employed in this trade led them to combine whenever there was a temporary want of sufficient organization<sup>2</sup>. Later on, the trade came under the 5th Eliz. c. 4, and was regulated besides by the 5th and 6th Edw. VI. c. 22 as to the use of machinery, and by the above<sup>3</sup> cited 2nd and 3rd Philip and Mary, c. 11, as to the number of looms which one weaver might have.

According to a report of a Committee of the House of Commons in 1757, the assessment of wages by the justices seems to have fallen into disuse in this trade already before 1720. In that year the justices fixed a rate of wages; but it was not carried out into practice. This want of fixed wages evidently led to oppressions of the workmen by the masters, and induced the men to combine. Accordingly, in 1725 the 12th Geo. I. c. 34 prohibited the combinations of workmen employed in the woollen manufactures; and an Act of the following year ordered the justices once more to fix the rate of wages in this trade. In accordance with this Act, the workmen petitioned the justices in 1756 to fix such rates of wages. But as the masters made a counter-petition, the justices refused to act. The immediate consequence, according to the evidence of a master, was, that

<sup>1</sup> *Wealth of Nations*, Bk. I. ch. x. Part ii.

<sup>2</sup> See pp. cxliii, cxliv, above.

<sup>3</sup> See p. clxiii.

the Weavers revolted, hindered the journeymen who went on working, and drove them from their looms. This master estimates the losses which arose to the country from these riots, at from £15,000 to £20,000. This strike induced the master manufacturers to agree with the workmen, and peace was at once re-established<sup>1</sup>. In the same year the justices were ordered again, by the 29th Geo. II. c. 33, to settle the rates of labour yearly in the woollen manufactures.

But these were mere transitory skirmishes, called forth by individual attempts of the masters to abolish the existing order of things. As, however, this order was still maintained by the legislature, these attempts did not at that time lead to the formation of lasting Trade-Societies. This did not come about till the transition of the woollen manufactures from the domestic to the factory system, and till the attempt of the master manufacturers to get the 5th Eliz. c. 4 repealed. A Parliamentary Report<sup>2</sup> exists which gives almost a photograph of the state of the woollen manufactures at the time of these changes. As it is of importance for the understanding of the origin of Trade-Unions in all trades to have a clear idea of this transition, I will give a detailed account of these changes in the woollen manufactures, and will then deal less fully with the other trades.

The woollen manufactures were carried on in the last century by small masters in their own homes. They dwelt in villages and scattered houses, and often cultivated besides a little land, from three to twelve or fifteen acres. Often too they had a horse to carry their cloth to market, or, in later times, to the public mill. The number of such small masters in the environs of Leeds was estimated in 1806 as 3500.

Every master had served a seven years' apprenticeship. Though the 5th Eliz. c. 4 was not known, either to masters or men, its regulations were maintained, because they corresponded to custom. Thus even in 1806 there were in Harmley, a clothworkers' village of from 4000 to 5000 inhabitants, ninety-seven apprentices bound for seven years, and only four bound for a shorter period.

Each master employed on the average ten journeymen and apprentices. As a rule there was one apprentice to two or three.

<sup>1</sup> *Journals of the House of Commons*, vol. xxvii. pp. 730-733.

<sup>2</sup> *Report and Minutes of Evidence on the State of the Woollen Manufacture of England*, July 4th, 1806. Every single statement made in the following account in the text can be proved from this report, which I recommend every reader interested in the subject to peruse, as it is one of the most interesting reports I know of.

journeymen. Besides, the master was regularly assisted by his wife and children. Children working with their fathers did not need to be bound by indenture. As a rule, all these persons worked in the master's house, where the wool was worked through all the various stages, till it became undressed cloth, and, if necessary, was dyed. Sometimes also the journeymen did the work in their own houses, and were assisted in it by their wives.

*Draw*

The master himself taught the apprentice his trade. If the latter had the prospect of ever becoming a master himself, he was also taught how to buy raw materials. In this case the master received a premium on taking the apprentice. After the seven years' apprenticeship the apprentice could settle at once as a master; but as a rule he worked first for one or two years as a journeyman. The fact that a young man of good repute could always get credit for as much wool as would enable him to settle as a small master, is especially urged in recommendation of this system. The great stability and regularity of employment appears, however, as its chief advantage. Slackness of trade did not at once stop work in the workshops. The master went on working, although he could not find an immediate sale for his products, and took his wares to the market. The fact is, that he seldom worked to order. Sale in the cloth-halls was the rule. If, then, a sudden stagnation occurred in the foreign market, or a large firm became bankrupt, the losses distributed themselves over a larger surface. They fell on the whole body of manufacturers; and though each individual small master suffered by it, there were but few, if any, whom it ruined. In such extreme cases the small masters also often took work from other small masters, to maintain their families.

Like the trade of the masters, the employment of the journeymen was exceedingly regular. As a rule, journeymen were hired for a year, and had board and washing at their masters'. They received besides, annual wages of from £8 to £10. There were journeymen who had continually for twenty years and more worked with the same masters. If trade became slack, or there was a stop in the sale, journeymen were not suddenly discharged in masses. Such discharges scarcely ever happened; as a rule, the masters let the men work on in the hope of better times. They considered it a duty to keep, in time of distress, the workmen to whose exertions in good times they owed their wealth. If a master was in want of work for his journeyman, he used to see about for a job for him at another master's; if one could not be got, he was kept on by his old master. "The men and masters," says a master, "were in general so joined together in sentiment, and, if I may be permitted to use the term, love to each other, that

they did not wish to be separated if they could help it." If, on the other hand, a master ever had more orders than he could satisfy, he asked another master to lend him a journeyman<sup>1</sup>.

The centres of this organization of trade were the cloth-halls, to which the masters brought their products to market. In Leeds there were two halls, one for white cloth and one for coloured. Similar halls were at Bradford, Halifax, and Huddersfield. There the cloth was examined and measured by the authorities. The two chief cloth-halls at Leeds were under the direction of a certain number of Trustees, who were elected for three years by all the clothworkers of the manufacturing villages, as the most trustworthy and most intelligent of their body. They watched over the general trade interests, and especially the observance of all rules and bye-laws which were framed from time to time for the government of the halls. No clothworker was allowed to bring his wares for sale in these halls, unless he had served a seven years' apprenticeship.

The introduction of machinery brought a change into this state of things. Mills were now erected on rivers and streams, to make use of the fall of the water. Various processes, which had before been chiefly performed by hand under the masters' own roof, were now executed in public mills by machinery. In the neighbourhood of every manufacturing village were several such mills to be found. The manufacturer brought his wares to them with little trouble and loss of time, and fetched them back after they had gone through the necessary process. The cost was but small, so that he was enabled to get by these mills the advantage of very expensive machines. Sometimes too the master himself performed the work by machinery in the mill, in order that it might be well done.

<sup>1</sup> See the *Report* above referred to, p. 8. See, for the passage cited in the text, p. 43. As the statements in the text might be thought by some exaggerated, I will quote some questions and answers from the *Report*. "During the time you were employed by a domestic manufacturer, had you regular work constantly?" "Yes, I had; I never had reason to complain." "Were you constantly employed without reference to masters, or were you sometimes employed and sometimes discharged?"—"I never was discharged; I have been with masters where they were short, and they used to see about for a job for me, and if one could not be got, I was continued." "If the domestic master was short he wished you to pick up another job, if you could get it; if not, he would continue to give you employment?"—"Yes." (p. 117.) "As to the habit of clothiers keeping the persons they employed, you have stated that to be your habit?"—"Yes." "Would it have been possible for you, without evident disadvantage to yourself, to have kept on persons, paying them wages, without deriving any benefit from their work?"—"We consider it as a duty, and there is that good understanding between the employers and the employed, that we should think it a very irksome task to turn off a workman whom we consider as a good and an honest workman." (p. 131.) And again on p. 40: "I scarcely ever knew a man discharged from his master because his master could not give him employment."

In this domestic system of industry the work was chiefly performed by persons who were its proprietors. It was not so in the system of the "rich master clothiers" which arose in the West of England. They bought the foreign wool directly from the importer, and the native in the fleece, or from the wool-stapler. They then gave it to workmen to work up, partly in their own houses, partly in the masters'. For every single process through which the wool had to go until its completion, the masters gave the ware to another class of workers, none of whom went out of his own line. By this the workers obtained great skill in the performance of their operations. As in this system, so also in the system of the master manufacturers which came into existence with the origin of machinery, the workers were not the owners of the work they worked on. The merchants, for the most part possessors of large capitals, now became manufacturers themselves, and erected mills. In one or several buildings they kept more or less operatives working-up by machinery, under the employers' or their overseers' superintendence, the materials belonging to them.

These changes in the manner of carrying on industry led to others in the position of the journeymen. The first change was, that the apprentices were often no longer bound by indenture, though they mostly still served their seven years without it. In the mills, however, it also soon became usual to employ workers who had served no apprenticeship, besides great numbers of women and children; the latter at an earlier age than would have been possible without machinery, and according to the 5th Eliz. c. 4. Their labour was of course much cheaper than that of skilled workmen. The number of employers who had served no apprenticeship increased more and more. Whereas formerly the cloth of no master who had not served a seven years' apprenticeship was admitted to the cloth-halls, the trustees framed in 1796 a new regulation, according to which those manufacturers also were to be admitted who had carried on the trade of a clothworker for only five years. Soon after, all persons were admitted to the cloth-halls without any qualification.

It seems that at the beginning neither masters nor journeymen resisted at once the violation of the old customs and laws. But the employment of great numbers of children, apprentices, and journeymen who had served no apprenticeship, soon took the bread out of the mouths of the Weavers, and this led in 1796 to the formation of a Trade-Society, the so-called *Institution*, among the Clothworkers at Halifax, to prevent people from carrying on the trade in violation of custom and law. They did not know that, according to the 5th Eliz. c. 4, they might produce in court

against the transgressors of this law, for they were entirely ignorant that this statute existed at all; they only knew the old restrictions as the customary order. Another object of the Institution was the assistance of sick members. When, by the 39th Geo. III. c. 81, in 1799, all such associations were suppressed, and the accumulation of funds by them especially prohibited, the Institution was nevertheless carried on. The only change was, that instead of keeping accumulated funds, the necessary money was levied by subscriptions in each case of want. The Institution included the workmen of several places.

As the new system spread, the greater irregularity of employment was felt more and more by the workmen. Every small fluctuation of trade affected the capital of a single large manufacturer much more than it had formerly affected a multitude of small ones, who had often even not noticed it. Every stop in the sale led at once to a discharge of workmen. Whereas formerly in bad times the small masters had worked on stock, the master-manufacturers avoided the accumulation of stock, and worked only to order. Whilst formerly wages had been settled for the year, now every fluctuation led to reductions of wages. Besides, "the opulent clothiers made it a rule to have one-third more men than they could employ, and then these had to stand still part of their time<sup>1</sup>." At the beginning, on the erection of a mill, the master-manufacturers enticed the workmen by high wages from the service of the domestic clothiers; but then every fluctuation brought reductions of wages and discharges. Whenever such discharged workmen found work again even for less wages at a domestic clothier's, on account of the greater regularity of employment they never wished afterwards to change their place, even for higher wages at the factories<sup>2</sup>.

The position of the domestic master-clothiers was also greatly deteriorated by the spread of the factories. With the growth of these, home-work decreased. Many who had been masters sank to be workmen. Many who would formerly have become masters, now remained workmen for ever. They began to fear that the factory system would entirely supplant the domestic, and they therefore supported the workmen in their resistance.

As, in consequence of the 39th and 40th Geo. III. c. 106 (1800), all combinations were severely prohibited, the workmen

<sup>1</sup> *Report*, p. 111.

<sup>2</sup> A journeyman who had formerly worked in a factory, being asked why he works for a small master though at less wages, says: "My reason is, when I have been out of employ, I have gone from house to house to work; and it seldom happens that the smaller clothiers change their men, except in the case of death and sickness. I never could lay hold of such an opportunity before."—*Report*, p. 115.

combined under the cloak of Friendly-Societies. The Report from the Committee on Woollen-Clothiers' Petitions of March 14th, 1803, contains the rules of a Trade-Society which had been begun as a Friendly-Society on Sept. 24th, 1802, and also an advertisement from a newspaper, "calling a meeting of one weaver out of the parish he represents, in order to determine on prosecuting those who unlawfully exercise or follow the trade of a weaver." At the same time we see the Trade-Society already anxious for the morals of the workmen—as before, the old Gilds—for they offer a reward to him who would detect any workman embezzling materials. The chief object of this and similar Trade-Societies was the legal prosecution of transgressors of the 5th Eliz. c. 4, of the 5th and 6th Edw. VI. c. 22, and the 2nd and 3rd Philip and Mary, c. 11.

After several employers had been condemned, first the master-manufacturers of Somersetshire, Wiltshire, and Gloucestershire<sup>1</sup>, and afterwards those of Yorkshire<sup>2</sup>, petitioned Parliament for the repeal of the last-named statutes. They especially urged the fact, that there were no master-manufacturers, and very few journeymen, who had served a seven years' apprenticeship, and that masses of workmen would become breadless if the 5th Eliz. c. 4 was carried out. Others<sup>3</sup> desired the repeal of the 5th and 6th Edw. VI. c. 22 only, but wished the maintenance of the two other statutes for the protection of the domestic trade, the 27th, 28th, and 32nd sections of the Statute of Apprentices excepted. On these petitions the said laws were in 1803 (43rd Geo. III. c. 136) suspended for one year for the woollen manufactures, and all prosecutions for violating them were stopped. This suspension was renewed in 1804, 1805, 1806, and so forth, until the final repeal of the laws (49th Geo. III. c. 109) in 1809.

After these petitions had been presented to Parliament, the trustees of the cloth-halls at Leeds assembled the clothworkers of the villages which they represented, to agree on counter measures. They signed counter petitions, and appointed agents to support them before Parliament. The necessary moneys were raised by subscriptions. Besides, the trustees prosecuted employers who violated the laws in question. They acted for both masters and men.

But it soon appeared to their constituents, that the trustees did not proceed with sufficient zeal. "When we saw," says a journeyman, "that they did not advance, and as we knew the evils arising therefrom, and that we thereby should become

<sup>1</sup> Report from the Committee on Woollen-Clothiers' Petition, March 14th, 1803.

<sup>2</sup> Report on Yorkshire Woollen Petitions, May 9th, 1803.

<sup>3</sup> Report on Woollen-Manufacturers' Petition, April 24th, 1804.

breadless," the workmen took the affair into their own hands, petitioned Parliament by themselves, and appointed their own agents. They again formed an Institution, about the year 1803. All journeymen belonged to it, and all working in any workshop contributed together to its funds. Even so early as this, contributions are to be found from members of other trades, as from Brick-layers, Carpenters, &c. Many home-working master Clothiers also, and very wealthy ones among them, joined the Institution to push forward affairs before Parliament, as the trustees seemed to give up the concern. It appears from evidence before the Committee, that the Institution spent from £10,000 to £12,000 on petitions to Parliament.

According to the "Rules and Orders of the Clothiers' Community, 1803," the chief object of the Institution was to carry out the legal regulations as to apprentices, in their original purity. But it is declared at the same time that those who till now had carried on the trade contrary to these regulations should continue without molestation. The activity of the society was only to extend to the future. The Rules complain besides, that the abuses which had arisen, especially the large number of hands who had been driven into the trade, had destroyed the mutual dependence between masters and men, and had produced pride and overbearing on the part of the former. Henceforth all apprentices were to be considered unlawful who had not been bound by indenture for seven years. They were to be bound, moreover, at so early an age, that their term would have expired before their majority, as no indenture was binding after their twenty-first year. The only exception was made in the case of a son of a lawful workman who served his father seven years. I must here mention, that with the factory system a new kind of apprentices sprung up, namely, apprentices bound to journeymen; hitherto all had been bound to the master. Nobody, as the Rules further ordain, was to learn two trades at once. In other Rules, workmen of other trades also stated that this regulation of the 37th Edw. III. c. 5<sup>1</sup> was to be maintained.

To the prosecution of this chief object, the Institution added the assistance of the sick, and of the widows of deceased members, under entirely similar conditions as are still now usual in Trade-Unions. The necessary moneys were collected, in every single case, in the name of the sick, or of the widow of the deceased. In Leeds, the contribution of each member was 1*d.* a week, and at Halifax 3*d.* Twice a year a committee of thirteen was elected by the members at a general meeting, to manage the affairs of

<sup>1</sup> See pp. cxlii, cxlii, above.

the Institution. Seven were to form a quorum. Fines were imposed for not accepting office when chosen. On resigning, the committee had to render account of their doings. There were also stewards, who had to provide for the collection of contributions, and the assistance of the sick. Besides, we find here also what we found in the Statutes of all Gilds, from the Gilds of Abbotbury, Exeter, and Cambridge, namely, that all offences at meetings, by using bad language, ill-behaviour, and the like, should be punished. The committee had the right to alter the rules according to need. If any cause of complaint arose, either as to apprentices or as to some other rule, the men of the workshop were first to inquire into the case, to try and arrange the difficulty. But wherever they did not succeed, the difference was to be brought before the committee, whose decision was to be final.

The masters, however, did not continue long in the Institution. The fact was, that it also assisted men on strike. At one place the workmen of a master-manufacturer quarrelled with him and struck work. The members of the Institution wished to assist them ; upon this the masters left the society.

When the master-manufacturers heard that the object of the Institution was to petition Parliament for the maintenance of the 5th Eliz. c. 4, they required their workmen to leave it. On refusing this they were all discharged. The master-manufacturers even entered into combinations for suppressing the Institution, which, strange to say, notwithstanding the 39th and 40th Geo. III. c. 106, was considered allowable by the Parliamentary Committee, though it was hostile to the Institution. On the other hand, the workmen at some places forced the owners of mills who worked for others on hire, to enter their society, as otherwise they declared they would not work for them. They also hindered them from working for such masters as were hostile to the Institution. Once, when a master-manufacturer employed unlawful workers, his journeymen struck work. The rest of the master-manufacturers then promised their colleague assistance, and offered to do his work for him in the meantime. But when they attempted to do this, all their journeymen threatened to leave their factories at once. Finally, the masters signed a contract, according to which they obliged themselves to engage no more workmen for the future, contrary to the 5th Eliz. c. 4.

When, year after year, notwithstanding all petitions of the workmen, the Acts regulating the woollen manufacture were suspended, a factory was burnt down ; and in September, 1805, the London Fire Insurance Companies received letters of caution

from workmen, wherein they declared that, as Parliament refused to protect their right, they would do it themselves. Though the Report of the Committee expressly states, that not the Institution, but individuals, must be charged with these nefarious deeds, yet they prove the exasperation prevailing among the workmen. But notwithstanding this exasperation, and the attachment of the journeymen to their Trade-Society, which even then was so great, that as a master said in evidence, if it were prohibited they would rather follow it than the laws of the land, yet this Trade-Society ceased at once, when in Christmas, 1805, the trustees of the cloth-halls again took up the petitions. The workmen at once delivered them all their funds. It is evident from this, that the object of the Institution was nothing but the maintenance of the existing legal and customary regulations of trade. As soon as the State ceased to maintain order, it stepped into its place; and as soon as there was a prospect of a more legitimate authority putting the law into practice, the Institution ceased at once.

The Committee of the House of Commons before which this evidence was taken was, however, not favourable to the cause of the workmen. As ever on such occasions, the followers of the movement were spoken of as "poor deluded wretches," and it was made an especial fault of the Institution, that "its inevitable though gradual result must be the progressive rise of wages among all classes of workmen<sup>1</sup>." The Committee met the petitions for the maintenance of the existing laws with the very naïve consolation, that the advantages of the domestic system were so great, that it could never be supplanted by the factory system; and by referring to the "true principles of commerce which were now so generally understood and acknowledged." But as the Committee recommended in the same breath the maintenance of the laws prohibiting the export of raw materials and machinery, the emigration of skilled workmen to foreign countries, and combinations of journeymen, it seems that they accepted Adam Smith's principles with conditions only. Their reason for advising the repeal of the 5th Eliz. c. 4 appears rather to have been the one uttered by one of the members of the Committee, namely, that its "maintenance would put the determination of the price of labour in the power of those who had the means of working<sup>2</sup>." Indeed, Adam Smith was right in saying, "Whenever the legislature attempts to regulate the differences between masters and workmen, its counsellors are always the masters!"

<sup>1</sup> *Report of 1806*, p. 17.

<sup>2</sup> *Minutes of 1806*, p. 178.

After the repeal of the said statutes (p. clxviii) the combinations among the workmen in the woollen manufactures became chronic.

Earlier than the Trade-Society which the Clothworkers began in 1802 under the cover of a Friendly-Society, the Shipwrights of Liverpool had formed themselves in the last century into a Trade-Society, which was nominally a mere benefit-club<sup>1</sup>. Here too the abuse of employing chiefly apprentices caused the origin of this union. But much earlier than the Trade-Societies in both these trades were those of the Hatters. Besides being under the 5th Eliz. c. 4, the hat-trade was under two Acts of the 8th Eliz. and the 1st Jac. I., which only confirmed the regulations of the Statute of Apprentices expressly for that trade. In this trade prevailed, early in the eighteenth century, the system of carrying on industry by means of sub-contractors (*alias* sweaters), who were called Little Masters. They received the materials from the master-manufacturers, and got them worked up by apprentices only. This led to combinations of the journeymen. From 1772 an extremely vigorous Trade-Society existed among them for maintaining the existing order and providing for the interests of the operatives. As soon as the employers attempted to give work to sub-contractors, they forced them by strikes to take it back. The society was called the *Congress*, was regulated by statutes, and framed bye-laws. All workmen of the trade belonged to it. Every one had to pay a weekly contribution of 2d. As the workmen thus prevented the masters from employing an excessive number of apprentices, the masters petitioned Parliament in 1777 for the repeal of the legal restrictions as to apprentices, and for prohibitions of combinations of journeymen<sup>2</sup>. Both were granted by the 17th Geo. III. c. 55, which did not however repeal all restrictions, for every master-hatter was to employ one journeyman for every apprentice he might take.

In the Tailors' trade also combinations must have existed early in the eighteenth century, as the 7th Geo. I. c. 13 forbade them. I could, however, find nothing as to the cause of these combinations in the Journals of the House of Commons. But it is probable that here also, as in other trades, as for instance in the woollen manufactures just mentioned, the discontinuance of the legal regulation of wages by the justices of the peace occasioned these combinations. This seems the more probable, as the preamble of the 8th Geo. III. c. 17 speaks of those who by "many subtle devices" tried to evade the regulations of wages by the justices

<sup>1</sup> *Social Science Association's Report on Trade Societies*, p. 480.

<sup>2</sup> *Journals of the House of Commons*, vol. xxvii. pp. 730-733.

according to the 7th Geo. I. c. 13. By these words masters are evidently meant, as the devices of the workmen would have simply been strikes. In any case, however, the combinations of the Tailors seem to have been but transitory, and not to have led to the formation of lasting Trade-Unions. At least, during the entire eighteenth century we hear no more of combinations of journeymen, and not even the 8th Geo. III. c. 17 makes mention of them.

I now turn to the consideration of some trades incorporated by charter.

The trade of Framework-knitting was not yet established in the 5th Eliz.<sup>1</sup> But in the year 1663 Charles II. incorporated "several persons, by the name of Master, Warden, Assistants, and Society, of the Art and Mystery of Framework-knitters, of the Cities of London and Westminster, the Kingdom of England and Dominion of Wales, for ever, with power to exercise their jurisdiction throughout England and Wales; and from time to time to make Bye-laws for the regulation of the said business of Framework-knitting, and to punish persons who should offend against such Bye-laws." By § 33 of the Charter<sup>2</sup> the Master was directed to "enforce the statute of the 5th Eliz. c. 4, or any other statute as respects apprentices and the occupations of the trade."

By this ordinance of the Charter, therefore, the 5th Eliz. c. 4 had authority also over this trade. But evidently the Charter was not of the same effect as the Statute of Apprentices would have been, if it had had direct authority over the trade. The execution of the ordinances of the Charter depended on the Master and Wardens of the Company, that is, on the good-will of employers. As early as the beginning of the eighteenth century the masters employed apprentices in unlimited numbers, often in the proportion of ten and more apprentices to one journeyman; and there is even a man mentioned who had for thirty years employed constantly twenty-five apprentices to one journeyman. Indeed, this abuse of the want of fixed legal restrictions cannot surprise us, for besides the less wages to be paid to an apprentice, the parishes often paid bounties to the amount of £5 for every boy taken from the workhouse<sup>3</sup>.

By this system the adult workers immediately after the expiration of their apprenticeship fell into deep misery. They

<sup>1</sup> Felkin's *History of the Machine wrought Hosiery and Lace Manufactures*, London, 1867, pp. 71, 75.

<sup>2</sup> See the Charter in the *Report from the Committee on Framework-knitters' Petitions*, 1812, p. 49.

<sup>3</sup> Felkin, p. 75.

therefore, in 1710, petitioned the Company to carry out the regulations of the Charter with regard to apprentices. But the Company refused. This was followed by a riot of the workmen ; they destroyed about 100 frames, threw them out of the windows, and thrashed the opposing masters and their apprentices. The frightened masters gave in, and promised to observe for the future the ordinances of the Charter with regard to apprentices. But as the system of parish apprentices was continued, the trade, notwithstanding this promise, was so overstocked with lawful journeymen without employment, that the most serious seditions ensued. The extent to which they went may be seen from the fact that in 1727 an Act was passed, prohibiting under penalty of death the breaking of frames, which was the men's chief way of revenging themselves on their masters<sup>1</sup>. The overstocking of the trade with breadless parish apprentices who had served their term, brought them, in the years 1740 to 1750, near to starvation, according to Mr. Felkin's<sup>2</sup> account. "There was often only one coat in a shop, which was worn by each in turn<sup>3</sup>, as he went out from its precincts ; so that one Moss, a Northamptonshire master, refused to employ a man possessed of a good coat, declaring the best workmen were only to be found in ragged ones."

On May 22, 1745, the Company ordained new bye-laws<sup>4</sup>, which were confirmed by the Lord Chancellor in accordance with the 19th Henry VII. c. 7. They enacted once more the old restrictions as to apprentices. Besides, these bye-laws contain the first direct news of the practice which was to bring such infinite misery on the workmen, namely, of owners of frames who, though they did not themselves exercise the trade, let frames out on hire<sup>5</sup>. This is the first intimation of mere capitalist-employers. But when the Company did nothing further but attempt to enforce its authority in favour of the London employers throughout the whole country, this led to the entire loss of its influence.

When, at the beginning and in the middle of the eighteenth century, the trade retired more and more from London to Nottingham, the Company sent its deputies there to maintain its privileges. But the Nottingham manufacturers did not acknowledge them. They were already employers of the modern style ; they had (for the most part) not served a seven years' apprenticeship themselves, and employed unlawful workers, such

<sup>1</sup> Felkin, pp. 73, 227-229.

<sup>2</sup> Ibid. p. 82.

<sup>3</sup> Among the London tailors such a coat is called a "reliever."

<sup>4</sup> *Journals of the House of Commons*, vol. xxvi. pp. 790-794.

<sup>5</sup> See Felkin, p. 79.

as journeymen who had not served their legal term or did not belong to the Company, as well as women and children; of two employers, we are even told that the one worked with twenty-three, the other with forty-nine, apprentices, without employing any journeymen. The Company relying on its Ordinances confirmed by the Lord Chancellor, threatened to enforce these masters' submission at law. But then its former conduct towards the petitions of the journeymen in 1710, and its own degeneration, were revenged upon itself. The retort on it was that its members did not themselves maintain the seven years' apprenticeship as a qualification of trade,—that they had themselves given up the requisite of a masterpiece,—and that instead of preventing frauds they rather committed them themselves. The fact is, that the London manufacturers were quite as much modern employers as those of Nottingham, and their whole proceeding appears nothing but a trick arising from envy. The workmen, however, hailed with joy the proceedings of the Company. The Company also addressed the men especially, asked them to join them, made easier for them the conditions of entrance, promised the re-establishment of the old order, and designated themselves as the true friends of the workmen, whilst they called their other employers their enemies<sup>1</sup>. The master-manufacturers, threatened with lawsuits by the Company, petitioned Parliament and accused the Company of ruining the trade by monopolies. As Parliament was of the same opinion, the Company became unable to enforce its bye-laws legally, and therefore ceased henceforth to exercise a real influence over the trade<sup>2</sup>.

Notwithstanding the enormous rise of framework-knitting in the period from 1750 to 1780, the workmen—as Mr. Felkin says—but slowly, partially, and indirectly profited by it. The trade suffered under the constant influx of boys, girls, and non-freed workmen. Whilst these abuses had hitherto produced only violent transitory revolts, they then—when all hope in the efficiency of the Company had been finally destroyed—led to the formation of a Trade-Union of the workmen. Thus arose the Stocking-makers' Association for Mutual Protection in the Midland Counties of England, for the purpose of making regulations as to apprentices, inasmuch as a legal order was wanting. This body soon became so powerful in Nottingham that it influenced the elections for Parliament, and even made them. Mr. Abel Smith was thus returned without opposition in 1778, when the members of this Association marched in procession before his chair, accompanied by two assistants, the clerk, and other

<sup>1</sup> *Journals, &c.*, vol. xxvi. p. 794.

<sup>2</sup> Felkin, pp. 79, 80.

deputies of the London Framework-knitters Company. "This formerly authoritative body had," as Mr. Felkin says, "another opportunity thus given them, by wise and timely measures, to have rendered themselves useful between the master-hosiers and their discontented workmen. The novelty of high rents exacted for frames, with other charges, had not yet settled into a legalized custom; the best of the journeymen and wisest of the masters might have been conciliated, and the Charter revived; but the time was wasted in squabbles about fees, and the Company lost almost its last hold on the trade<sup>1</sup>."

As the complete abandonment of the workmen to the discretion of the employers plunged them, notwithstanding the flourishing state of the trade, into the greatest misery, they petitioned the House of Commons in 1778 for a legal regulation of the rate of wages. In consequence of low wages, the payment of frame-rents, and other charges of the employers, they were, according to their statement, unable to maintain themselves and their families. As the master-hosiers made a counter-petition, a Committee was appointed to inquire into the complaints of the workmen. The witnesses examined confirmed the justice of the journeymen's statements in an alarming manner. The earnings of a workman were affirmed to be about 6s. a week. Besides, there were the most infamous exactions on the part of the employers. According to the evidence of an examined master, many of them hired workmen without giving them sufficient employment, for the mere purpose of obtaining frame-rents<sup>2</sup>. But notwithstanding the Report of the Committee, the influence of the masters prevailed, and the motion for enacting a law according to the petition remained in the minority. On this the employers in the silk branch of the trade attempted at once to reduce the prices paid for the work 25 per cent., and a strike was the immediate result<sup>3</sup>.

On the 2nd of February, 1779, the Framework-knitters of Nottingham and the environs again petitioned the House for the regulation of the trade of framework-knitting. This petition was followed by similar ones from Tewkesbury, Godalming, Derby, London, Westminster, and Northampton. Witnesses from all these places were examined by a Committee<sup>4</sup>. The shameless exactions on the workmen by their masters unveiled by this Committee find their equal only in the articles of the

<sup>1</sup> See for these statements Felkin, pp. 115-117.

<sup>2</sup> *Journals of the House of Commons*, vol. xxxvi. pp. 635, 728, 740-742.

<sup>3</sup> Felkin, pp. 115-117.

<sup>4</sup> *Journals of the House of Commons*, vol. xxxvii. pp. 117, 295, 301, 370-372.

*Morning Chronicle*<sup>1</sup> in 1849, on the position of the London Tailors, and their oppressions by Sweaters. According to the evidence of all witnesses examined, wages had constantly fallen during the then last twenty years, whilst the prices of food had risen. The employers had always endeavoured to reduce wages. After various deductions—which the workmen had to submit to—for frame-rent, winding, seaming, needles, candles, &c., their wages are stated as 6s. or 8s. weekly. Numbers of workmen could not even earn as much. The most disgraceful abuse was carried on as to frame-rents. The value of a frame is stated as £6 or £8. But for its use the workmen had to pay rents from 1s. 3d. to 2s. a week, that is, up to 86 per cent. The workmen were obliged to hire these frames, if they wished to get work; if a workman had himself a frame, he was refused work. This rent the workmen had to pay whether they worked or not, even during their sickness, for Sundays and holidays, or when they had no materials, which the employers had to furnish. Many employers in Nottingham stinted their workmen from making more than a certain number of stockings a week, though they could have made more,—evidently that they might thus be able to deduct the more frame-rent from a certain sum of wages. The workmen had to buy from the employers the materials for making the stockings. The latter then rebought the stockings from the workmen. But they also often left them on the workmen's hands. The workmen, says the Report, were in a state of starvation. They had to submit to any conditions of their employers. A number of workmen who had signed the last year's petition to Parliament had had to leave off work.—The witnesses brought forward the fact that the masters and men at Dublin had agreed on a price list, and that the Lord Mayor had confirmed it; that both parties were there now content, and that the workmen had bettered themselves in consequence of the list, and earned more wages. They desired a Bill fixing prices, which would, as they thought, produce a very wholesome effect.

On this Report the House resolved that a Bill should be introduced for regulating the trade of framework-knitting, and for preventing the frauds and abuses therein. Mr. Meadows, one of the members for Nottinghamshire, brought in the Bill on May the 10th, 1779. It was strenuously supported by Mr. Robert Smith (afterwards Lord Carrington), who said "the measure was moistened and saturated by the tears of the poor distressed families of framework-knitters."<sup>2</sup> Leave was given to bring in

<sup>1</sup> The numbers of December 14th and 15th. See also *Cheap Clothes and Nasty* by Parson Lot, 1850.

<sup>2</sup> Felix, pp. 115-117.

the Bill, with only one dissentient voice. Upon this the employers counter-petitioned. They said that if the Bill should become law, this, “from various reasons” (*sic!*), would be most injurious to the petitioners, and to the wholesale merchants in the trade of framework-knitting. A Committee was appointed, which was once more to inquire into the state of the workmen. On the 9th of June they reported that the former statements of the workmen were *true*, and proposed only a few amendments in the Bill. The second reading was carried by twenty-four against twenty-three. But it was thrown out upon the third reading by a majority of fifty-two to eighteen<sup>1</sup>. Indeed, I was wrong in approving above of the saying of Adam Smith, that whenever the Legislature has attempted to regulate the differences between masters and workmen, its counsellors have always been the masters. This statement contains but half the truth. It has also always been the same whenever the Legislature refused such regulation.

Upon the rejection of the Bill, great excitement of the workmen ensued. They crowded to Nottingham, broke the frames of those manufacturers by whose special influence the Bill had been lost—as well as of other employers—threw them out of the windows, burned a house down, and destroyed much property belonging to the employers. More than 300 frames were broken on this occasion. The whole of the employers then promised, if the riots would at once cease, to remove all grievances. On this, peace ensued. Public opinion seems to have been on the side of the journeymen, for the workman accused of having set fire to the house was acquitted. But the employers kept their word badly. They had formed a union of their own. After the ferment had subsided, they issued an address, stating that they would oppose all regulations, whether by charter or Acts of Parliament, as tending to drive the manufacture to France, where workmen were contented with low wages<sup>2</sup>.

The grievances of the workmen in the trade increased more and more. From 1780, in consequence of the system of rent-charge for the use of stocking frames having become fully established, the construction of machinery proceeded very rapidly for the next thirty years. The cost bore so small a proportion to the rent, as to induce many persons not in the trade to purchase frames<sup>3</sup>. On this came a vast increase in the number of apprentices. Mr. Felkin mentions an instance of a father and son in Nottingham having, in 1810, twenty-four apprentices; and two framework-knitters at Hinehley having 100 between them.

<sup>1</sup> *Journals of the House of Commons*, vol. xxxvii. pp. 386, 396, 421, 441.

<sup>2</sup> Felkin, pp. 117, 227-229.

<sup>3</sup> *Ibid.* p. 117.

The whole district was accordingly in a constant state of riot. In their distress the workmen turned their attention once more to the powers entrusted to the chartered London Company, and sought its intervention for their relief. But it was then too late for its action. The Company proceeded, indeed, at law against a manufacturer for taking apprentices in violation of the bye-laws of the Company, but the manufacturer was condemned in 1s. damages only. As wages became more and more dependent on the discretion of the employers, the workmen again applied in 1812 to Parliament to enforce payment by statement-lists. But though a Bill embodying such clauses passed the Commons, the appeal was unsuccessful in the Lords. On this the workmen in all the branches of the trade entered into union in 1814<sup>1</sup>. Since then, until the time of Mr. Mundella, attempts to fix statement-lists of prices have changed with strikes, when these were violated by the masters, and with unsuccessful applications to Parliament for laws regulating the trade.

To mention another incorporated trade, I take the Cutlers in Sheffield. Already before 1790 the masters there must have attempted to violate the customary restrictions as to apprentices; and they were probably hindered in this by the journeymen. But far from withdrawing from the corporation, they complained of these restrictions in 1790 to Parliament, and petitioned for alleviations in the bye-laws of the Company<sup>2</sup>. These were granted in an Act of June the 7th, 1791<sup>3</sup>; and forthwith, on the 9th of September of the same year, we find combinations among the Scissor-grinders and other workmen. On the 3rd of April following the Scissor-smiths' Benefit Society was formed. According to Mr. Hill's account<sup>4</sup>, it was a Trade-Society to oppose the actions of the employers, which probably took the shape of a Friendly-Society to evade the 39th and 40th Geo. III. chap. 106.

The same phenomena which we observed in the trades incorporated by charter, or under the 5th Eliz. chap. 4, recur in those which had been always free from any legal restrictions. Among these was the trade of the Calico-printers<sup>5</sup>. Nevertheless, though the regulations of the 5th Eliz. chap. 4 had no power over this trade, yet they were observed in it as the order sanctioned by the general

<sup>1</sup> Felkin, pp. 435-439 and foll.—The London Company existed till 1835.

<sup>2</sup> *Journals*, vol. xlvi. pp. 11, 12.

<sup>3</sup> *Ibid.* p. 717.

<sup>4</sup> *S. S. A. Rep. on Trades' Societies*, p. 526.

<sup>5</sup> See for the following statements, "Minutes of evidence taken before the Committee, to whom the petition of the several journeymen Calico-Printers and others working in that trade, &c., was referred, July 4, 1804; and the Report from the Committee on these minutes, July 17, 1806.

custom of trade before the introduction of machinery. But simultaneously with the introduction of machinery, about the year 1790, the unlimited employment of apprentices in the place of adult journeymen became general in this trade. And the disproportion between journeymen and apprentices which, not restricted by even the possibility of a legal prosecution, arose in the counties of Lancaster, Derby, Cheshire, and Stafford in England, and in those of Lanark, Renfrew, Dumbarton, Stirling, and Perth in Scotland, surpassed by far that existing in all other trades. In Lancashire there were cases of fifty-five apprentices to two journeymen only; and in the county of Dumbarton cases of sixty to two. These proportions had however been in no way caused by a want of hands from the great rise of the trade after the introduction of machinery. On the contrary, whilst all apprentices were working full time in the factories, the journeymen sought in vain for work. And whenever the state of the trade necessitated a discharge of hands, the journeymen were always discharged first, whilst the apprentices remained fully employed. The reason was rather this, that the masters, by employing apprentices instead of journeymen, saved one-third in wages. And it was not rare "that apprentices were discharged immediately upon the expiration of their apprenticeship, although the work was unfinished, the masters being unwilling to pay them journeymen's wages, even until such work was finished." Against the evil consequences naturally to be apprehended from the comparative unskilfulness of boys, the masters provided, by making at their discretion an adequate deduction from their wages, whenever work was spoilt by the boys. The position of the apprentices was just as precarious as the situation of the journeymen was miserable. The employers declined taking apprentices on indenture, and accepted them only on verbal promises of serving seven years. To enforce the observation of this agreement, they required from the parents of the boy a bond of £50, and also retained a certain part of their earnings—as a rule £10—until the term of apprenticeship agreed to had elapsed. Besides, the apprentices often had to serve from eight to ten years instead of seven; for when at any time the employer had no work for his apprentice, he forced him to serve more than his term for the time in which he had no work. The employer, on the other hand, did not take upon himself any legal obligation whatever towards his apprentices. He could discharge him at will, and very often did so. These apprentices were partly parish apprentices, partly children of workmen, who were forced by their employers by threats of instant dismissal in case of refusal to apprentice their children. And whilst the trade "produced

among the generality of workers a great difficulty of breathing, diseases of the lungs, &c.; whilst their sight was apt to fail them at an early age, and the period of old age very soon reached them," and they thus became unfit for any other employment, they were mostly discharged at once after the expiration of their apprenticeship. There is also evidence as to workers being dismissed immediately on their sight beginning to fail them<sup>1</sup>.

This abuse of power on the part of the masters, and their aggressions, especially on the journeymen's customary right of preference to employment, which they had acquired by a regular apprenticeship, led at once, as might be expected, to the formation of Trade-Societies. All journeymen of the trade belonged to this Calico-printers' Trade-Society, as all Clothworkers did to their Institution. At first there were no regular obligatory payments, but all contributed voluntarily to a common fund. From this fund the sick members, and those out of work, were assisted. When such accumulations of funds had been prohibited by the 39th and 40th Geo. III. chap. 106, the Calico-printer Unionists gave each member a ticket. On presenting this, the bearer—like the wandering journeymen in Germany—received a donation from the workers in every workshop he passed. Originally, everybody was free to give what he pleased; but gradually there arose too great a disproportion, as the zealous often gave 6d., whilst the lukewarm gave nothing. Then the journeymen were bound to fixed contributions, in England to a halfpenny, in Scotland to 1d. each. It seems that as the trade developed further, only the more zealous journeymen belonged to the Union, and that thus a closer and more restricted association arose, which no longer comprehended all workers in the trade. Another rule among these workmen which has a certain likeness to those of the German journeymen's fraternities, was, that every apprentice or workman who wished to work in a workshop, had first to apply to the journeymen, before asking the masters for work. The reason was, that if discontent existed, or there was not plenty of work, the employers might not take advantage of the new offer of labour to discharge their journeymen or reduce wages. If new apprentices were taken, a strike ensued. When the journeymen struck work, the apprentices generally went with them, and were assisted during the turn-out by the journeymen. In London and the parts adjacent, however, the most friendly relations existed between masters and men; but it was also shown, on inquiry into fourteen workshops, that the proportion of apprentices to journeymen was only 37 to 216.

<sup>1</sup> Compare Sheridan's speech on these abuses in *Hansard*, vol. ix. pp. 534-537.

These combinations existed until the year 1802, when the journeymen first applied to the House of Commons for redress, and "the moment they found their petition entertained, and felt any ground of hope that their grievances would be fairly considered, all combination ceased, and their reliance for redress was entirely founded upon the justice and liberality of Parliament<sup>1</sup>."

The Committee appointed by the House made an excellent Report on the evidence which it had taken, and warmly recommended measures for the relief of the Calico-printers. The Report dwelt specially on the fact, that the legislation of the then last years for the working-classes "had operated only in favour of the strong and against the weak." "Everything," it says, "is made subservient to the interest of the masters, and exclusively too; for the diminution of expense, considerable as it is, the manufacture arising out of their multiplication of apprentices at reduced wages, and the introduction of machinery, do not appear to have produced any reduction whatever in the price of the fabric to the consumer." Mr. Sheridan brought in a Bill in accordance with this Report, proposing (among other things) to lessen the number of apprentices. Parliament, however, refused the Bill a second reading, especially on a speech of Sir Robert Peel (the father), who opposed it in the name of the master-printers. He was a party to the question, as the evidence shows, for his manufactory at Church Bank, in Lancashire, was as overstocked with apprentices as those of other employers. This refusal caused the revival of Trade-Unions among the journeymen Calico-printers; and it is worth mentioning, that the precarious condition of the apprentices themselves caused them even later on, in 1831, to form a Trade-Society of their own<sup>2</sup>, which was to assist and supplement the Trade-Society of the journeymen in their endeavours, just as the journeymen's fraternities of the fifteenth century on the Continent supplemented the Craft-Gilds.

As regards the Cotton-trade, I have not been able to find accounts of the first Trade-Societies among its journeymen. But the following statement about it agrees with what occurred in all other trades, when the exceedingly well-informed author of the essay *On Combinations of Trades* says (p. 15), "that this manufacture, which was of too modern an origin to be obnoxious to the 5th Eliz. c. 4, was never without unions among its artisans." An early organization of the journeymen Cotton-workers may also be inferred from the evidence contained in a Parliamentary Report

<sup>1</sup> The words are Sheridan's. Compare also *Report*, p. 6.

<sup>2</sup> See the account of the Young Society of Block-Printers in Manchester, in the essay *On Combinations of Trades*, pp. 73-76. London, 1831.

of 1811<sup>1</sup>. It is said there, that for seventy years statement-lists of prices had existed in that trade, which were agreed upon by masters and men, and that they had been given up thirteen years before, by which great misery had been caused to the workmen.

Though the examples mentioned sufficiently prove my assertion as to the origin of Trade-Unions, I will yet give an account of the Trade-Societies in the Silk-manufacture; for the real nature of Trade-Unions comes out nowhere more clearly than here. Already before 1773 the assessment of wages by justices of the peace or by the Lord Mayor had fallen into disuse in the silk-manufacture in London, Westminster, Middlesex, and within the liberties of the Tower of London. In consequence, the competition of employers to undersell each other had lowered the wages of workmen. This led to continual differences as to wages between masters and men. Several deeds of violence were committed by the exasperated workmen, and much property belonging to those employers who would not pay the customary wages was destroyed<sup>2</sup>. Strikes were frequent; and the men on strike were assisted by contributions from all the workmen of the trade. They chose a committee for managing all matters connected with the trade. But when the committee once ordered a levy of 2d. for every loom used by a workman, quarrels ensued with the masters, which finally led to the enactment of the 13th Geo. III. c. 68<sup>3</sup>. According to this Act, the justices of the peace or the Lord Mayor at the above-named places were, from July 1st, 1773—from time to time, after demand so to do had been made to them—to assess the wages of the journeymen in the silk-manufacture. Employers giving more or less than the assessed wages to their workmen, or evading the Act, as well as journeymen entering into combinations to raise wages, were to pay certain fines, the amount of which, after the deduction of the necessary expenses, was to be applied to the relief of needy weavers and their families. By the 32nd Geo. III. c. 44, of the year 1792, these regulations were extended to the manufactures of silk mixed with other materials; and by the 51st Geo. III. c. 7, of 1811, to the female workers in the respective trades. These three Acts were called the Spitalfields Acts.

After the enactment of the first Spitalfields Act, no more strikes

<sup>1</sup> *Report on Petitions of Several Weavers, June 13th, 1811.*

<sup>2</sup> *Minutes of Evidence taken before the Committee to consider of the Several Petitions relating to the Ribbon Weavers, March 18th, 1818, p. 40.*

<sup>3</sup> *Second Report of Minutes of Evidence, April 20th and 28th, and May 8th, 1818, p. 57.*

took place in Spitalfields<sup>1</sup>. Masters and men were unanimous in their praise of the effects of these Acts; and an employer even declared, that in case of their repeal, he would instantly retire from the trade<sup>2</sup>. In the year 1795 a general price-list was fixed in conformity with the 13th Geo. III. c. 68; and this was followed by several others, the last in 1806<sup>3</sup>. The great expenses caused by the publication of these price-lists, amounting sometimes to £300, were defrayed by subscriptions of the workmen<sup>4</sup>. But as all did not contribute to them properly and equally, the men elected in 1805 a "committee of ways and means," which levied contributions according to the number of looms worked on by a journeyman<sup>5</sup>. But as the masters frequently endeavoured to violate the list agreed on before the magistrates, further subscriptions were required, first to assist those workmen who had been discharged for insisting on their lawful wages, until they should again get work, and then for prosecuting in court those masters who violated the law<sup>6</sup>. This led to a confederation of those journeymen who were more zealous for the common weal, into a Trade-Society.

According to its statutes<sup>7</sup>, the "Rules to be observed by a few friends called the Good Intent," it had as standing officers only a few collectors of contributions, who were called "The Finance," and, besides, a paid secretary. The entrance-fee was twopence, the weekly contribution a halfpenny. If a member was out of work he received a donation. Yet this case was evidently a rare one, as is proved by the rule of the statutes, that in case of more than one journeyman being out of work, the sum which was to be applied to the assistance of men out of work should not be augmented, but equally distributed between them. This proves therefore, apart from the distinct evidence on the point, that after the enactment of the Spitalfields Acts no more strikes occurred; that strikes were not the object of the society. And indeed, as the journeymen could protect their interests at law, there was no room for strikes. If differences broke out between masters and men, the latter chose a committee *ad hoc*, which was

<sup>1</sup> *Minutes*, p. 40; *Second Report*, p. 194.

<sup>2</sup> If the Spitalfields' Acts should be repealed, "I should in all probability leave the trade, and for this reason: I allude to no individual, but I have sufficient experience of human nature, and I have seen enough to know, that there are many people who would so oppress the poor to get goods manufactured very cheap, that I should not have a disposition to enter into competition with them, and I should in all probability retire from the trade." (*Minutes*, p. 43.)

<sup>3</sup> *Second Report*, p. 188.

<sup>4</sup> *Ibid.* p. 56.

<sup>5</sup> *Ibid.* p. 54.

<sup>6</sup> *Ibid.* pp. 59, 194.

<sup>7</sup> Compare as to this Trade-Society the *Second Report*, pp. 54, 56, 57, 59, 165, 166, 168, 180, 188, 194, 195, 196.

again dissolved after the case had been settled. The journeymen sometimes also elected on this committee masters who had before been workmen themselves, and who, even after their rise, had known how to preserve the confidence of their former associates. This committee prosecuted, in the name of the journeymen, those employers who violated the said Acts. It represented them also whenever a new price-list had to be fixed. In opposition to this society of the journeymen the employers formed another, with the object of defending its members in court when prosecuted by the journeymen. It also represented the masters on the settlement of a new price-list. Whenever such a new price-list was to be fixed, the committees of both societies met; and after an agreement as to the prices had been come to, the committee of the journeymen brought the change, or the new regulation, before the magistrates to receive their sanction. The complaint of the employers, that the magistrates regulated the prices always more according to the statements of the workmen than according to theirs, proves that the journeymen were not badly off under these legal regulations of prices. Sometimes, also, such new regulations led to discussions before the magistrates. But "in most cases," says a master silk-manufacturer, "where a dispute as to the fixing of prices has occasioned a discussion before the magistrates, it has arisen from the contending masters not being operative weavers; there would not then (i. e. if they had been operative weavers) be such disputes as there have been, as the masters were not capable of answering those articles which the journeymen have put them." On the 4th of December, 1813, the journeymen's society consisted of 83 members, and was in possession of £5 8s. 11 $\frac{1}{2}$ d. In October, 1817, its finances seem to have been embarrassed. It accordingly circulated an address to its members, calling for contributions. This address gives at the same time an account of the society's operations. "Within the last nine months upwards of fifty persons (by means of the Trade-Society) have obtained the lawful prices of their work, which was withheld from them to a very great extent by their employers; the expenses of obtaining which, with other things, have borne so heavy upon your finances, that you are embarrassed to a very large amount."

After a contest of almost a hundred years—for the violations of the 5th Eliz. c. 4 began about the eighteenth century—the master-manufacturers at last obtained the victory in 1814. For the woollen manufacture the Statute of Apprentices had previously been repealed; by the 54th Geo. III. c. 96 the industrial system, which was as old as the Craft-Gilds, was abolished for all trades. Indubitably, the condition of things before this repeal

had become untenable ; for whilst the law was nominally in force, it was practically not observed. All agreed, therefore, that a new law had become necessary. But whilst some wished for the amendment of the statute, others desired its entire repeal. Petitions were presented to Parliament by the followers of both views. But whilst 300,000 were for the maintenance of the statute, there were but 2000 for its repeal<sup>1</sup>. A Parliamentary Committee was appointed in 1813 to inquire into the facts of the question. All witnesses examined were against the repeal. The arguments of the workmen brought round to their side even the Chairman of the Committee, who had formerly been little inclined to their views<sup>2</sup>. The workmen's petitions also laid particular stress on the point, that by the thitherto prevailing laws the journeymen lawfully educated for their trade had acquired a right similar to property, and that the repeal of the statute of Elizabeth would be to them what the deprivation of land or any other property would be to owners thitherto protected by the laws<sup>3</sup>. And, indeed, in this the workmen were right. For what else is land but an opportunity of getting an income ? and what else had the journeymen acquired by their seven years' apprenticeship, and by the expenses incurred for their education in the trade, but the opportunity of getting an income ? and does not our age, which on expropriations pays compensations to land-owners for the loss of this opportunity, owe such compensations also to those journeymen ; at the least to the amount of the cost incurred by their education to their trades during the seven years required ? But we acknowledge only rights of capital, and these only when they are fixed in saleable commodities.

The debates in Parliament on the repeal of the statute show as its enemies, either employers or mere theoreticians, who, with the entire superciliousness of the followers of a still young theory, spoke with contempt of the glorious reign of Queen Elizabeth as of the time when nothing was yet known of the infallible doctrine of the new era<sup>4</sup>. It is remarkable, however, that these enlightened adherents of the new theory differed from Adam Smith in his justification of combinations of workmen<sup>5</sup>. The employers, on the other hand, described this openly as a chief reason for the repeal of the statute, that the seven years' apprenticeship restricted the number of workmen, and thereby enabled them to combine with success against their masters<sup>6</sup>.

<sup>1</sup> *Hansard*, vol. xxvii. p. 574.

<sup>2</sup> *Ibid.* p. 570.

<sup>3</sup> See *Report from the Committee on the Petitions of Watchmakers of Coventry, &c.*, July 11, 1817, p. 47.

<sup>4</sup> Compare *Hansard*, vol. xxvii. pp. 564, 572, 884.

<sup>5</sup> *Hansard*, vol. xxvii. p. 572.

<sup>6</sup> *Ibid.* vol. xxvi. p. 213.

The spirit of the repealers may be seen by the assertion, that "the persons most competent to form regulations with respect to trade were the master-manufacturers."<sup>1</sup> Thus at last the statute was repealed in the interest of the employers.

I am not going to criticise further here the repeal of the 5th Eliz. c. 4, but I may be allowed a word on the dodge of the cry against State or Government interference by which this repeal was carried, and so many other regulations of trade desired by the workmen were refused. It seems to me, on the contrary, that this repeal was an interference; and I can also imagine refusals of such regulations, which would constitute interferences. For what does interference mean? Evidently an unjust meddling with the affairs of another. But what is the State, and what is Government; or rather, what ought they to be? The State is the organization of the people, and Government the natural centre of popular life. When this is really the case, there can be no question of State interference, so long as the State fulfils the will of the people. For nobody who acts according to his own will can be said to interfere with himself. The whole term "State interference" presupposes therefore a condition of the State as it ought not to be; it presupposes a State which is something else than the organization of the people, a government which is not the natural centre of popular life; both, something foreign to the people. And such was the State when the 5th Eliz. c. 4 was repealed, and when those regulations of trade were refused. If it had been otherwise, it would not have acted in favour of the 2000 against the interests of the 300,000; and, in the case of those refusals, not against the expressed will of the majority of the interested part of the people. This repeal, and these refusals, were acts of interference on the part of a minority with the wishes of the people. And, indeed, the then existing Parliament did not even nominally represent the latter. This was also shown by the debates on the repeal. A general want of interest prevailed on the deliberation of a law of such grave importance to the life of the people; the House was even counted out<sup>2</sup>.

The repeal of the 5th Eliz. c. 4 declared the state of industrial disorganization and disorder as the only lawful state. This state became only too soon the prevailing one in all trades. Parliamentary reports<sup>3</sup> on the condition of the ribbon-trade and the silk-manufacture at Coventry, Nuneaton, and Macclesfield, describe, as the immediate consequence of the repeal, such a

<sup>1</sup> *Hansard*, vol. xxvii. p. 572.

<sup>2</sup> *Ibid.* vol. xxviii. p. 14.

<sup>3</sup> See the two above-referred-to *Reports on the State of the Ribbon Trade* (p. clxxix, notes 1, 2).

growth of the system of sweaters and half-pay apprentices, that the journeymen were driven to famine, and the female workers to prostitution<sup>1</sup>. "Whilst the statute of the 5th Eliz. was in force," says the Report, "the distressing circumstances now complained of never occurred." The whole of the masters and weavers, therefore, petitioned in 1818 for the extension of the Spitalfields Acts to the silk-trade in the said places. Reports of the years 1817 and 1818 give an absolutely identical account of the condition of the Watchmakers at Coventry<sup>2</sup>. Further, as the justices of the peace no longer assessed wages after having heard masters and men, the workmen now endeavoured to introduce regulation of wages by statement-lists of prices, agreed upon by masters and men<sup>3</sup>. But they were violated upon every occasion by the employers. The words which Pitt<sup>4</sup> spoke on the subject of the Arbitration Act were now completely fulfilled. "The time will come," he said, "when manufactures will have been so long established, and the operatives not having any other business to flee to, that it will be in the power of any one man in a town to reduce the wages, and all the other manufacturers must follow. If ever it does arrive at this pitch, Parliament, if it be not then sitting, ought to be called together, and if it cannot redress your grievances, its power is at an end. Tell me not that Parliament cannot—it is omnipotent to protect." The workmen were quite of the opinion of Pitt, and numberless were the petitions which, after 1814, they addressed to Parliament for the legal regulation of their trades. But as Parliament thought it could not redress their grievances, they tried self-help. After the repeal of the Act of Elizabeth combinations and unions therefore arose in all trades. But whilst, on the one hand, the workmen were refused legal protection, self-help, in consequence of the 39th and 40th Geo. III. c. 106, was considered a crime. In 1818, bail to the amount of £200, and two sureties for £100 each, were required for the appearance of a common workman at the next Session to answer a charge of combining<sup>5</sup>. The greatest mischief was, however, that the Combination Laws, by confounding right and wrong, led men to

<sup>1</sup> *Minutes of Evidence on the Ribbon Trade*, March 18, 1818, pp. 5, 24, 33.

<sup>2</sup> *Report from the Committee on the Petitions of Watchmakers at Coventry, &c.*, July 11, 1817; *Report from the Select Committee to consider the Laws relating to Watchmakers*, March 18, 1818.

<sup>3</sup> Compare especially, as to the Silk-weavers of Macclesfield, the *Second Report on the Ribbon Trade* referred to; moreover, the *Report on Petitions of Several Weavers*, June 13, 1811.

<sup>4</sup> I quote from Mr. Maxwell's speech, May 15, 1834, *Hansard*, Third Series, vol. xxiii. p. 1091.

<sup>5</sup> *Report of the Artisans' Committee*, 1824, p. 405.

regard with less aversion things really vicious. The people, in their despair, did not shrink from the greatest deeds of violence and the most infamous crimes, in self-defence. The Combination Laws had deteriorated the character of the people to such a degree, that even after their repeal in 1824 such deeds of violence still occurred, as was disclosed by the Cotton-spinners' trial at Glasgow in 1838; and in several trades the instances descend, as we all know, to the latest times.

I will now briefly sum up the evidence with regard to the origin of Trade-Unions, supplied by this sketch of the condition of the workmen in the several trades during their transition from small to great industry. We see first that the old regulations of trade by the Craft-Gilds and by the 5th Eliz. c. 4—which had originally been ordained in the interest of the public for securing good quality of work—now appear as really framed for the “better relief and commodity of the poorer sorte.” Wherever an alteration of the order established by them occurred, the artisans and small masters were menaced in their secure and well-to-do situation, and the harmony between masters and men was destroyed. And as soon as attempts were made to abolish this order, and legal protection was refused, the men combined for its maintenance. I refer to the instances of the combinations of the Framework-knitters in 1710, of the Clothworkers in 1720 and 1756, and to the London Silk-weavers before the enactment of the Spitalfields Acts. And, indeed, in the time after the repeal of the Statute of Apprentices it was notorious<sup>1</sup> that wherever labour was not regulated by law, or by an order agreed upon by masters and men, combinations of workmen prevailed.

As soon as the disorganization spread and the gravest abuses became general, whilst the prospect of a maintenance of order by the State disappeared, the workmen formed their Trade-Unions against the aggressions of the then rising manufacturing lords, as in earlier times the old freemen formed their Frith-Gilds against the tyranny of medieval magnates, and the free hand-craftsmen their Craft-Gilds against the aggressions of the Oldburghers. And like the objects of those Gilds, the object of the Trade-Unions was the maintenance of independence, and of an entire system of order, in a time of industrial and social club-law. The Clothworkers give an example of this. Already, in 1796, the non-observance of the 5th Eliz. c. 4 had become so general in the cloth trade, that the trustees of the cloth-halls at Leeds admitted to them masters who had served no appren-

<sup>1</sup> Compare the *Second Report on the Ribbon Trade of 1818*, p. 60.

tieship. And in the same year there arose a Trade-Society of workmen for the maintenance of the customary order. Thus also originated the Congress of the Hatters, the Union of the Calico-printers, and the rest of the above-mentioned Trade-Societies.

But these societies arose only when those who had hitherto been obliged to protect the order of the trade refused this protection. Thus the Stocking-makers' Association for Mutual Protection was only formed after the London Framework-knitters' Company had proved itself either unwilling or insufficient to maintain the regulations of the trade. The Clothworkers formed an Institution in 1803 only, when the trustees of the cloth-halls had ceased to perform their duty. But as soon as the trustees again showed themselves ready to fulfil that duty, the Institution was dissolved. And with this agrees Sheridan's account of the combinations of the Calico-printers. The societies themselves also only resorted to self-help to maintain their regulations when legal aid was denied them. Thus Trade-Unions arose in all trades under the 5th of Elizabeth, first, for the legal prosecution of employers who had violated this Act; and, indeed, in the silk-trade the Trade-Society existed merely for the better execution of the Spitalfields Acts. On the other hand, we find incendiarism by the Clothworkers on the suspension of the 5th of Elizabeth, and riots of the Framework-knitters on the refusal of protection by the legislature.

Originally the organization of the Trade-Society comprehended all the workers of a trade in the place: thus was it with the Silk-weavers, with the Calico-printers, with the Institution of the Clothworkers. Likewise the amount of contributions depended originally on the free-will of the members. It is only later that we find closer and more restricted associations among the more zealous, and fixed contributions. As combinations of workmen were prohibited, especially after the 39th and 40th George III. c. 106, Benefit-Societies were frequently made the cloak of Trade-Societies. Such Trade-Societies were the Friendly-Society of the Clothworkers in 1802, the Benefit-Club of the Liverpool Shipwrights, the Scissor-smiths' Benefit-Society at Sheffield: and indeed this was almost the rule until 1824<sup>1</sup>. During the whole of the Middle Ages after Charlemagne, the Political Gilds abroad concealed themselves in like manner under cover of the Religious Gilds<sup>2</sup>.

<sup>1</sup> See the ninth resolution of the Committee of the House of Commons in 1824.

<sup>2</sup> See Pertz, vol. i. p. 68, cap. 10. Ouin-Lacroix, pp. 423-425, cites a series of prohibitions of Religious Gilds by councils, kings, and barons, because they were "conjuraciones vel conspiraciones laicorum, quibus nomen confraternitatis imponunt, impietatem pollicentes sub nomine pietatis."

Mr. Dunning's account of the London Bookbinders' Society shows also that societies first instituted merely for the purpose of "taking a social pint of porter together," changed afterwards into Trade-Societies. Such changes of Friendly-Societies may often have happened. I have pointed in Part IV. to the similar transformations of Religious into Craft-Gilds<sup>1</sup>. If in the times of the Craft-Gilds in England journeymen's Associations had existed there like those on the Continent, there can be no doubt that later on Trade-Unions would also have arisen from those Associations. I have already referred in Part IV.<sup>2</sup> to the different points by which this opinion can be supported. The Trade-Society of the Calico-printers also showed similar regulations to those that prevailed in the German journeymen's Associations.

The rules of Trade-Societies cited in the foregoing pages are still very imperfect. Yet even they show the essence of the Gilds as defined in Part I.<sup>3</sup> Like the oldest Gild-Statutes, they show merely the outlines of an organization. The system is not yet worked out into details. But if one considers the statutes of one of our modern Trade-Unions, as, for instance, those of the Amalgamated Engineers, one finds an organization elaborated into the minutest details, which is very similar to the later Craft-Gilds. It would be very interesting to show from the history of this queen of Trade-Unions, which now (like the Hanse in former times) has its ramifications in all parts of the world, how its organization gradually developed itself in the same phases as that of the old Gilds did. Attempts at General Trade-Associations by the Trade-Unions were also not wanting, quite as vain and short-lived as the German Town-Confederations. I refer to the National Association for the Protection of Labour of 1830, and to the later similar experiment of Thomas Duncombe. It would also be very interesting to show how the workmen, after the disuse of the customary regulations of wages, laboured continually to bring about an orderly condition of wages by statement-lists of prices; how they were constantly opposed in this, on principle, by the employers, who would not suffer restrictions where they considered themselves as alone having rights, until, in consequence of the threatening attitude of the workmen, they have, since the example set by Mr. Mundella, agreed at last to an institution which is nothing but an amended edition of the regulation of wages by the Craft-Gilds<sup>4</sup>. And in some noble instances

<sup>1</sup> See p. cxviii, above.

<sup>2</sup> See pp. clx, clx, above.

<sup>3</sup> See p. lvii, above.

<sup>4</sup> See pp. cxxxvi, cxi, note 2, above. It appears from the *Report on the Petitions of Several Workmen*, June 13th, 1811, that statement-lists of prices, agreed on by masters and men, existed early in the eighteenth century in the Cotton-

we already see the return to the sharing of profits with the workmen, as it existed in Bruges before the degeneration of the Craft-Gilds<sup>1</sup>. I believe that to show this would not only produce a "dim" consciousness that "the world is settling into a new order after more or less of disorder<sup>2</sup>," but that it would prove that social order has to a great extent already taken the place of disorder<sup>3</sup>. But to prove this in detail would require special essays which cannot be added here.

I shall be satisfied now if I have proved that the spread of disorder called forth at once in each single trade Gild-like organizations of those suffering by it, to maintain the old order, or to create a new one. I wish only further to point to the fact that the English, among whom the old Gilds probably originated, have in this new movement again preceded all other nations. As each new political era has begun in England—whether they were barons who wrung from King John the *Magna Charta Libertatum*, or the middle-classes who in the seventeenth century obtained here first the dominion in the State—so the era of the working-classes comes first to development on English soil. And as in the earlier Middle Ages from the days of Charlemagne the Frith-Gilds, and in the thirteenth and fourteenth centuries the Craft-Gilds, so now the Trade-Unions will be the great engines for obtaining the sway. Already since 1824 they have enjoyed a kind of recognition; and already they have fought contests quite as fierce as, if not fiercer than, those of the old craftsmen against the patricians. The history of their sufferings since the end of the eighteenth century, and of the privations endured for their independence, is a real record of heroism. It is only to be hoped that now, when they are free from all legal restrictions, they may use only—instead of the arms of violence, which belong to former times—the legal means which belong to our days, and which are thrown open to them by the franchise. May the English working-men, like the English barons and middle-classes in former times, be a bright example in the attainment of freedom to their brethren on the Continent!

trade. About the beginning of this century they fell into disuse. Masters and men therefore petitioned Parliament in 1811 for the appointment of a Committee, consisting of both parties, which from time to time should regulate wages, and which would have been very similar to the boards of arbitration of Mr. Mundella or Mr. Kettle.

<sup>1</sup> See p. cxxxvi, above.

<sup>2</sup> Mr. Congreve in the *Fortnightly Review*, New Series, vol. v. p. 417.

<sup>3</sup> Consider also the account of the Trade-Union of the "Knights of St. Crispin" in Massachusetts in the article in the *Spectator*, Dec. 11, 1869, on "The Workmen's Revolt in Massachusetts."

P.S. Attention may be called to the "History of the Holy Trinity Guild at Sleaford [in Lincolnshire], with an Account of its Miracle-Plays, Religious Mysteries, and Shows, as practised in the Fifteenth Century," &c., by the Rev. G. Oliver, D.D. Lincoln, 1837. 5s. The account of the Gild—a Social or Religious Gild—is provokingly meagre, and the amount of talk in the book very great; but it states, at p. 50, that an ancient MS. *Comptus Book* belonging to the Gild was then in the possession of Dr. Yerburgh, the Vicar; and that it ranges from A.D. 1477 to 1545, when the Gild was dissolved at the Reformation, though two later informal entries in 1585 and 1613 are made in it. I have sent inquiries after this book. Dr. Yerburgh's *History of Sleaford* may contain further information about this Gild. Dr. Oliver, at p. 52, note 20, states the income of the Sleaford Gild at 80*l.*, while that of the three principal Gilds at Boston was less, the Gild of Corpus Christi there being valued at 32*l.*, that of the Virgin at 24*l.*, and that of St. Peter and St. Paul at 10*l.* 3*s.*—F. J. F.

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